

PROTECTING AMERICA FROM ASSAULT WEAPONS

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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PROTECTING AMERICA FROM ASSAULT WEAPONS

September 25, 2019

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 10:10 a.m., in Room 2141, Rayburn Office Building, Hon. Jerrold Nadler [chairman of the committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Murcarsel-Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert, Jordan, Buck, Ratcliffe, Johnson of Louisiana, Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong, and Steube.

Staff present: David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; Julian Gerson, Staff Assistant; Ben Hernandez-Stern, Counsel, Crime Subcommittee; Joe Graupensperger, Chief Counsel, Crime Subcommittee; Veronica Eligan, Professional Staff Member, Crime Subcommittee; Brendan Blair, Minority Staff Director; Robert Parmiter, Minority Deputy Staff Director/Chief Counsel; Jon Ferro, Minority Parliamentarian/General Counsel; Jason Cervenak, Minority Chief Counsel, Crime Subcommittee; and Erica Barker, Minority Chief Legislative Clerk.

Chair NADLER. The House Committee on the Judiciary will come to order.

Without objection, the chair is authorized to declare recesses of the Committee at any time.

We welcome everyone to this morning's hearing on Protecting America From Assault Weapons. I will now recognize myself for an opening statement.

Assault weapons have been repeatedly used as weapons of weapons of deadly violence on our citizens. In just the last 2 years, Las Vegas, Parkland, Pittsburgh, Poway, Gilroy, Midland, and Odessa have all seen horrible shootings, mass shooting, at the hands of gunmen with assault weapons. And only last month, we added El Paso and Dayton to the list of communities shattered by mass violence perpetrated by gunmen with assault weapons.

Today's hearing is about whether America will tolerate weapons of war on our street and in our neighborhoods. Simply put, civilian assault weapons are just semi-automatic versions of military weapons. They have no purpose but to kill as many people as possible as quickly as possible. By allowing killers to rapidly and repeatedly fire bullets at their human targets without stopping to reload, assault weapons are designed for maximum bloodshed.

Although 7 States plus the District of Columbia have passed laws addressing assault weapons, these State laws have proven too easy to evade. This is why I support a national ban on assault weapons. For example, despite California's ban on assault weapons, a man was able to drive across the border in Nevada to buy an assault weapon, a 75-round high-capacity magazine, plus 5 40-round magazines, and use this weapon to kill 3 people and wound 17 others in a matter of minutes at the Gilroy Garlic Festival. A gunman intent on killing, whether the target is one person or many, can hop over State lines, buy a gun, and return to kill others. We must examine this dangerous problem and how to address it.

The 1994 Federal assault weapons ban, which expired in 2004, was a watershed event that offers an important guide for our efforts today. Recent studies of the effectiveness of that law have shown that mass shooting fatalities were 70 percent less likely to occur compared to the periods before and after the ban. Another study found that the Federal assault weapons ban was associated with a 25 percent drop in gun massacres and a 40 percent drop in fatalities.

The ban, however, was not without its shortcomings. During the ban, the gun industry, as usual, putting profits over morality, boasted of its ability to modify various assault weapons so that they were technically legal, but were still deadly instruments of mass killing. Writing of one AK-47 clone, *Gun World* magazine crowed, "In spite of assault weapons bans"—I'm sorry—"In spite of assault rifle bans, bans on high-capacity magazines, the rantings of the anti-gun media, and the rifles and apolitical incorrectness, the Kalashnikov, in various forms and guises, has flourished. Today they are probably more models, accessories, and parts to choose from than ever before," thus boasting about how to evade the law, a law intended to protect human lives. As we consider how best to address the problem of assault weapons, we must examine the loopholes in the 1994 law that weakened its effectiveness.

Although the lethal impact of assault weapons is horribly evident in mass shooting, assault weapons present a far broader problem. These weapons pose a daily threat to our communities, whether or not their use in particular instances cause mass casualties or make national news. They hold particular appeal to criminals who can wield terror with them, even without causing loss of life on a wide scale. For too long, the response in Congress to the daily toll of gun violence in our streets, in our schools, and in places of worship has been moments of silence. That has to change.

Earlier this year, this Committee reported, and the House passed legislation, to expand and improve our background check system. This Committee recently approved bills to establish systems for extreme risk protection orders, ban large-capacity magazines, and prohibit individuals convicted of hate crime misdemeanors from

possessing firearms. We will soon discover whether the Republican leadership of the Senate is still in abject fealty to the gun manufacturers or not when they consider this legislation.

Today's hearing continues the important task of addressing our shameful national problem of gun violence. Today we will discuss assault weapons and examine options for dealing with these particularly dangerous weapons of war. Tomorrow, our Subcommittee on Crime, Terrorism, and Homeland Security will conduct a hearing concerning community response to gun violence in our cities. We must take a comprehensive approach to solving the national crisis of gun violence, an issue that for too long has been ignored by national leaders. We know that the American people want us to examine the facts and to find solutions, and this hearing is an important step towards that goal.

I would like to recognize the survivors and advocates here today, including those from Newtown, Parkland, March for Our Lives, and Moms Demand Action. I thank you for your tireless advocacy. You inspire us all. I thank our witnesses for appearing today, and I look forward to their testimony. I understand that the Ranking Member is on his way. We will proceed to witness testimony at this time, and I will recognize the Ranking Member for his opening statement when he arrives.

Without objection, all other opening statements will be included in the record.

[The information follows:]

STATEMENT OF CHAIR JERROLD NADLER

Assault weapons have been repeatedly used as weapons of deadly violence on our citizens. In just the last two years, Las Vegas; Parkland; Pittsburgh; Poway; Gilroy; Midland; and Odessa have all seen horrific shootings at the hands of a gunman with assault weapons. Only last month, we added El Paso and Dayton to the list of communities shattered by mass violence perpetrated by a gunman armed with assault weapons.

Today's hearing is about whether America will tolerate weapons of war on our streets and in our neighborhoods.

Simply put, civilian assault weapons are just semiautomatic versions of military weapons. They have no purpose but to kill as many people as possible, as quickly as possible. By allowing killers to rapidly and repeatedly fire bullets at their human targets, without stopping to reload, assault weapons are designed for maximum bloodshed.

Although seven states plus the District of Columbia have passed laws addressing assault weapons, these State laws have proven too easy to evade. This is one reason I support a national ban on assault weapons. For example, despite California's ban on assault weapons, a man was able to drive across the border into Nevada to buy an assault weapon, a 75-round high capacity magazine, plus five 40-round magazines, and use this weapon to kill 3 people and wound 17 others in a matter of minutes at the Gilroy Garlic Festival.

A gunman intent on killing, whether the target is one person or many, can hop over State lines, buy a gun, and return to kill others. We must examine this dangerous problem and how to address it.

The 1994 federal Assault Weapons Ban, which expired in 2004, was a watershed event that offers an important guide for our efforts today. Recent studies of the effectiveness of that law have showed that mass-shooting fatalities were 70% less likely to occur compared to the periods before and after the ban. Another study found that the federal assault weapons ban was associated with a 25 percent drop in gun massacres and a 40 percent drop in fatalities.

The ban, however, was not without its shortcomings. During the ban, the gun industry—putting profits over morality—boasted of its ability to modify various assault weapons so that they were technically legal, but were still deadly instruments of mass killing.

Writing of one AK-47 clone, Gun World magazine crowed, "In spite of assault rifle bans, bans on high capacity magazines, the rantings of the anti-gun media and the rifle's innate political incorrectness, the Kalashnikov, in various forms and guises, has flourished. Today there are probably more models, accessories and parts to choose from than ever before." As we consider how best to address the problem of assault weapons, we must examine the loopholes in the 1994 law that weakened its effectiveness. Although the lethal impact of assault weapons is horrifically evident in mass shootings, assault weapons present a far broader problem. These weapons pose a daily threat to our communities, whether or not their use in particular instances cause mass casualties or make national news. They hold particular appeal to criminals, who can wield terror with them, even without causing loss of life on a wide scale.

For too long, the response in Congress to the daily toll of gun violence on our streets, in our schools, and in places of worship has been moments of silence. That has changed. Earlier this year, this Committee reported, and the House passed, legislation to expand and improve our background check system, and this Committee recently approved bills to establish systems for extreme risk protection orders, ban large capacity magazines, and prohibit individuals convicted of hate crime misdemeanors from possessing firearms.

Today's hearing continues the important task of addressing our shameful national problem of gun violence. Today, we will discuss assault weapons and examine options for dealing with these particularly dangerous weapons of war. And tomorrow, our Subcommittee on Crime, Terrorism, and Homeland Security will conduct a hearing concerning community responses to gun violence in our cities.

We must take a comprehensive approach to solving the national crisis of gun violence, an issue that, for too long, has been ignored by national leaders. We know that the American people want us to examine the facts and to find solutions, and this hearing is an important step towards that goal.

I thank our witnesses for appearing today, and I look forward to their testimony.

Chair NADLER. I will now introduce today's witnesses.

The Honorable Nan Whaley is the mayor of Dayton, Ohio. Since the mass shooting in Dayton this past August, Mayor Whaley has been a leading advocate for gun safety legislation. Before joining city government, Mayor Whaley served on the Montgomery County Board of Elections and as a deputy to the Montgomery County auditor. She received her B.A. from the University of Dayton and her M.P.A. from Wright State University.

Dr. Alejandro Rios-Tovar—did I get that right?

Dr. RIOS-TOVAR. Yes.

Chair NADLER. Dr. Alejandro Rios-Tovar is a surgeon at the Texas Tech University Health Sciences Center in El Paso. After the mass shooting attacks at a Walmart in El Paso, Dr. Rios-Tovar treated victims of the shooting. He received his M.D. from the University of Texas School of Medicine at San Antonio.

Dr. RaShall Brackney—did I get that right?

Chief BRACKNEY. RaShall.

Chair NADLER. RaShall. Dr. RaShall Brackney is the chief of police of Charlottesville, Virginia. Previously Dr. Brackney served for 30 years with the Pittsburgh Bureau of Police and served as the chief of police of the George Washington University. She was also the first African-American woman to oversee a special operations division. Dr. Brackney received her B.A. and M.A. from Carnegie-Melon University and her Ph.D. from Robert Morris University. She is also a graduate of the FBI National Academy in Quantico, Virginia.

Kristen Rand is the legislative director for the Violence Policy Center. Before joining the Violence Policy Center in 1994, Ms. Rand served as the counsel with Consumers Union. Ms. Rand re-

ceived her B.A. from the University of Southern California and her J.D. from George Washington University.

Am Swearer is a senior legal policy analyst in the Meese Center for Legal and Judicial Studies at the Heritage Foundation. Previously she held positions with the Charles Koch Institute and the Lancaster County, Nebraska Public Defender's Office. She received her Bachelor of Science in criminal justice and her J.D. from the University of Nebraska.

Dianna Muller is the founder of the DC Project, a grassroots initiative to bring one woman from every State to Washington, DC each year to meet with legislators on behalf of gun owners. She is also a co-host of Shooting Gallery on the Outdoor Channel. Previously she served for 22 years in the Tulsa Police Department. Ms. Muller received a Bachelor of Science in criminal justice and psychology from the University of Central Missouri.

David Chipman is the senior policy advisor at Giffords Law Center and is a member of the Firearms Committee of the International Association of Chiefs of Police. Prior to assuming his current position, Mr. Chipman served for 25 years as a special agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Mr. Chipman received his B.A. from American University and his master's in management from Johns Hopkins University.

We welcome all our distinguished witnesses, and we thank them for participating in today's hearing. Now, if you would please, I will begin by swearing you in. Raise your right hand.

[Laughter.]

Chair NADLER. Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

[A chorus of ayes.]

Chair NADLER. You may be seated and thank you. Let the record show the witnesses answered in the affirmative.

Please note that each of your written statements will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in 5 minutes. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you have 1 minute to conclude your testimony. When the light turns red, it signals your 5 minutes have expired.

Mayor Whaley, you may begin.

TESTIMONY OF HONORABLE NAN WHALEY

Ms. WHALEY. Thank you, Chair Nadler. On August 4th at 1:00 a.m., Dayton's Oregon District was bustling like it usually is with a diverse group of friends and neighbors enjoying a night out. People hopped between bars and restaurants as last call approached. Others waited in line at a popular taco truck for a late-night snack. That all changed in an instant.

At 1:05 a.m., a young man armed with an AR-15 pistol variant walked down an alley between two bars and began spraying high-velocity rounds into the crowd. He then turned down a crowded street as people tried to run for safety. Friends pulled each other into doorways to try to escape falling bullets. One man threw his girlfriend to the ground and covered her body with his own. People

literally ran out of their shoes. Less than 1 minute later, nine people were dead, and 17 others had been shot. Dozens more were injured in the commotion. 30-two seconds. In just 32 seconds, 26 people had been shot, nine families had lost loved ones, and dozens more would never be the same.

The entire incident was over in half as much time as I have been speaking to you so far today. In those 32 seconds, the shooter's weapon did exactly what it was designed to do: kill or injure as many people as possible in the shortest amount of time. It was a weapon designed to inflict maximum damage to human beings. It left a trail of destruction, not on some foreign battlefield, but down a historic brick street in Dayton, Ohio.

I visited the crime scene the morning after the shooting, and the thing I remember most clearly is the smell of bleach. A street sweeper was being used to try to clean the road, and men in HAZMAT suits were scrubbing the sidewalks. The meat still sat on the grill of the taco truck. Little yellow placards showing where bullet casings were found looked like they had been scattered without thought. I was in a place that was both completely familiar and completely foreign. The shooting occurred nearly 2 months ago, but our sidewalks are still stained after even numerous power washes, many buildings and street signs still have bullet holes in them, and these are just the physical scars left by the shooting.

Young people who were in the district that night talk about their new fear of crowds. Bartenders in the neighborhood are consumed with anxiety at the sound of sirens. Neighbors dread the sound of fireworks after being awakened by gunfire. Our whole city is hurting, all because a young man with a history of violent ideas could get his hands on a weapon capable of such destruction. And yet we are lucky. Just 32 seconds after the shooting began, Dayton police neutralized the gunman. He was killed as he attempted to enter a bar where hundreds of people were hiding. If he shot 26 people on the street in 32 seconds, what could he have done in that bar?

We are so lucky that 7 Dayton police officers were less than a block away when the shooting began. We are so lucky that these officers relied on their training and their courage and ran directly into the gunfire. I have thought a lot about the bravery of the Dayton police and the impossible situation that confronted them. Why do we ask our first responders to face down weapons that can do so much damage in so little time?

Our city has honored these heroes. The White House has honored these heroes. But if we are serious about honoring and thanking our brave first responders, the best thing we can do is make sure they are never put in this situation again. Police should not have to confront a weapon that can kill nine people in 32 seconds. No one should.

The evening after the shooting, thousands of people gathered for a vigil on the same street where nine of their neighbors had died only hours earlier. When Governor Mike DeWine took the stage, hundreds of people shouted in frustration, "Do something," "Do something." The massacre that happened in Dayton and has happened in too many communities across this country demands a response. We must ensure that no one American, neither a young

person on a casual night out nor a police officer on patrol, has to face down weapons capable of so much destruction.

I'm here today on behalf of the citizens of Dayton and mayors across the country to ask you to keep weapons like this off of our streets. I'm here to ask you to do something. Thank you, Chair.

[The statement of Ms. Whaley follows:]

STATEMENT OF NAN WHALEY

On Saturday, August 4th at 1:00AM, Dayton's Oregon District was bustling like it usually is with a diverse group of friends and neighbors enjoying a night out. People hopped between bars and restaurants as last call approached. Others waited in line at a popular taco truck for a late-night snack.

That all changed in an instant.

At 1:05 a.m., a young man armed with an AR-15 pistol variant walked down an alley between two bars and began spraying high-capacity rounds into the crowd. He then turned down a crowded street as people tried to run for safety. Friends pulled each other into doorways to try to escape flying bullets. One man threw his girlfriend to the ground and covered her body with his own. People literally ran out of their shows.

Less than a minute later, 9 people were dead, and 17 others had been shot. Dozens more were injured in the commotion. Thirty-two seconds. In just 32 seconds 26 people had been shot. Nine families had lost loved ones and dozens more will never be the same.

The entire incident was over in half as much time as I have been speaking to you so far today.

In those 32 seconds, the shooter's weapon did exactly what it was designed to do—kill or injure as many people as possible in the shortest amount of time. It was a weapon designed to inflict maximum damage to human beings. It left a trail of destruction not on some foreign battlefield, but down a historic brick street in Dayton, Ohio. These shootings are more than just numbers and statistics.

The shooting occurred nearly two months ago, but our sidewalks are still stained even after numerous power washes. Many buildings and street signs still have bullet holes in them.

I visited the crime scene the morning after the shooting, and the thing I remember mostly clearly is the smell of the bleach. A street sweeper was being used to try to clean the road and men in hazmat suits were scrubbing the sidewalks. The meat still sat on the grill of the taco truck. Little yellow placards showing where bullet casings were found looked like they had been scattered without thought. I was in a place that was both completely familiar, and completely foreign. I have seen crime scenes before. I have never seen anything like this.

These are just the physical scars left by the shooting. In the weeks since, it has become very apparent that far more people are feeling the effects of this violence than those with physical injuries.

Young people who were in the District that night talk about their new fear of crowds. Bartenders in the neighborhood are consumed with anxiety at the sound of sirens. Neighbors dread the sound of fireworks after being awakened by gunfire.

Our whole city is hurting. All because a young man with a history of violent ideas could get his hands on a weapon capable of such destruction.

Yet, we are lucky. Just 32 seconds after the shooting began, Dayton Police neutralized the gunman. He was killed as he attempted to enter a bar where hundreds of people were hiding. If he shot 26 people on the street in 32 seconds, what could he have done in that bar?

We are so lucky that seven Dayton police officers were less than a block away when the shooting began. We are so lucky that these officers relied on their training and their courage and ran directly into the gunfire.

I have thought a lot about the bravery of the Dayton Police and the impossible situation that confronted them. Why do we ask our first responders to face down weapons that can do so much damage in so little time?

Our city has honored these heroes. The White House has honored these heroes. People from Dayton and around the country have expressed their gratitude.

If we are serious about honoring and thanking our brave first responders, the best thing we can do is make sure they are never put in this situation again.

Police should not have to confront a weapon that can kill nine people in 32 seconds.

No one should.

The evening after the shooting, thousands of people gathered for a vigil on the same street where nine of their neighbors had died only hours earlier. When Governor Mike DeWine took the stage, hundreds of people shouted in frustration, “Do something.”

Do something.

What happened in Dayton and in too many other communities around this country—demands a response. We must ensure that no American—neither a young person on a casual night out nor a police officer on patrol—has to face down weapons capable of so much destruction.

I’m here on behalf of the citizens of Dayton to ask you to keep weapons like this off of our streets. I’m here to ask you to do something.

Chair NADLER. Thank you. Dr. Tovar?

TESTIMONY OF ALEJANDRO RIOS-TOVAR, M.D.

Dr. RIOS-TOVAR. Chair Nadler, Vice Chair Scanlon, Ranking Member Collins, and distinguished Members of the House Judiciary Committee. Thank you for the opportunity to come before you and to participate in this hearing.

I’ve been a trauma surgeon and the associate trauma medical director at the University Medical Center in El Paso for the past 2 years. On the Saturday morning of August, the 3rd, I had just finished a typical 30-hour shift at the hospital with a usual gall bladder surgery. I picked up McDonald’s on the way home, looking forward to eating, getting some sleep until Sunday morning when I’d have to do it all over again.

Just after I got home at 10:55 a.m., I received a text message from my chairman of surgery who was out of town: “Active shooter, Walmart. Unknown number of victims.” Honestly, I didn’t think much of it. I had received an active shooter alert the month earlier, and the SWAT team only brought in one victim at the time. Dr. Susan McLean, my mentor and a trauma surgeon at the hospital, could surely handle this. A text 2 minutes later was sent to all surgeons in our group: “If anybody is in El Paso, go to the hospital. There’s an active shooter, and we’ll get at least 4 or 5 victims.” By the time this text was sent, I would learn later, the shooting was over in just about 20 minutes, and more than 20 people were killed, more than 20 were injured, and countless lives would be changed.

I ran red lights and sped to the hospital. I knew that most of these patients would require immediate surgery, and I was trying to coordinate who would be there to help operate. By the time I arrived, each of our six trauma bays had patients. Each needed surgery. Dr. McLean was already in the operating room with one of them. The one that drew my attention was a patient with a CPR in progress. She had been talking just a few minutes earlier, and now from her shoulder wound, she was lifeless. My resident and I quickly and methodically cut open her chest to begin manual cardiac compressions. Three liters of blood immediately spilled to the floor. After working for several minutes, I knew our efforts were futile, and I had to pronounce the time of death just 10 minutes after I had arrived to the hospital.

The look of disappointment in my resident’s eyes ate at me, but I couldn’t process that now. We had more to do. I’m not a military surgeon, but what I saw looked like a war zone. Small gunshot wounds in the legs amounted to huge areas of cavitation and exit

wounds larger than a grapefruit. I had never seen anything like this before. How could a firearm create this type of destruction?

The next woman I treated was calmer than the rest. She had a third of her pelvis shattered into dozens of pieces. Multiple holes in her large and small intestines were too extensive to be repaired. In damage control surgery, decisions had to be made to remove parts of intestines instead of sewing the holes closed when there are more pressing issues to be addressed. In this case, it was clear none of the intestine could be salvaged. We packed it with temporary dressing when she was stabilized and planned to return her to surgery in a day or two to reassess for any missed injuries.

I have treated countless patients with gunshot wounds from small firearms. In those cases, sometimes it's even difficult to find the holes because how small they are and the clean-cut appearance that looks like a pencil made them. Here, it was not so. We had 14 patients come in in the span of 34 minutes. The other main hospital in town received 11 patients. Seven of our patients went straight to the OR for surgery in that single hour, and most had to return to the operating room several more times. And their journey is still not done. In the next few months, temporary colostomies, multiple orthopedic type of procedures will have to be re-performed, and reversed, and closed.

In the aftermath, 22 people lost their lives that day. We did save 13 out of the 14 patients that arrived to us, but that first patient haunts me every night. I wish I could've done more, and I blame myself for her death. I saw her autopsy recently to try and get some closure. She was protecting her child, and so she was actually shot in the back and through her shoulder. She had a hole the size of a baseball at the top of her lung. Her subclavian vessels were essentially nonexistent. If this injury had been caused by a small firearm, she may have had a chance at survival, but there was absolutely nothing I could do to fix that kind of devastating injury.

I hope that she died knowing that she protected her child from the same fate. Thank you, Chair.

[The statement of Dr. Rios-Tovar follows:]

STATEMENT OF ALEJANDRO RIOS TOVAR, MD

Chair Nadler, Vice Chair Scanlon, Ranking Member Collins, and distinguished Members of the House Judiciary Committee, thank you for the opportunity to come before you today to participate in this hearing.

I have been a trauma surgeon at University Medical Center of El Paso for the past two years. On the Saturday morning of August 3rd, I had just finished a typical 30-hour shift at the hospital with the usual gallbladder surgery. I had picked up some McDonald's on the way home and was looking forward to eating and going to sleep until Sunday morning when I would be back at it again. Just after I got home at 10:55 a.m., I received a text message from my Chair of Surgery who was out of town: "Active Shooter—Walmart/unknown number of victims." Honestly, I didn't think much of it; I had an active shooter alert the month earlier and the SWAT team brought in only one victim at the time. Susan McLean, my mentor and the trauma surgeon in the hospital, could surely handle this. A text two minutes later was sent to all surgeons in our group: "If anyone is in El Paso, go to the hospital. There is an active shooter and we will get at least four or five victims." By the time this was sent, I would learn later, the shooting was over in just about 20 minutes, more than 20 people were killed, more than 20 injured, and countless lives would be changed.

I ran red lights and sped to the hospital. I knew that most of these patients would require immediate surgery, and I was trying to coordinate who would be there to help operate. By the time I arrived, each of our six trauma bays had patients, each

needing surgery. Dr. McLean was already in the operating room with one. The one that drew my attention was a patient with CPR in progress. She had been talking just minutes before, and now from a shoulder wound, she was lifeless. My resident and I quickly and methodically cut open her chest to begin manual cardiac compressions. Three liters of blood immediately spilled to the floor. After working for several minutes, I knew our efforts were futile and I had to pronounce the time of death; just ten minutes after I had arrived to the hospital. The look of disappointment in my resident's eyes ate at me; but I couldn't process that now. We had more to do.

I am not a military surgeon, but what I saw looked like a war zone. Small gunshot wounds in legs amounted to huge areas of cavitation with exit wounds larger than grapefruit. I had never seen anything like this before. How could a firearm create this type of destruction? The next woman I treated was calmer than the rest. She had a third of her pelvis shattered into dozens of pieces. Multiple holes in her large and small intestine were too extensive to be repaired. In damage control surgery, decisions have to be made to remove parts of intestine instead of sewing the holes closed when there are more pressing injuries to be addressed. In this case, it was clear that none of that intestine could be salvaged. We packed with a temporary dressing once she stabilized and planned to return to surgery in a day to reassess for any missed injuries.

I have treated countless patients with gunshot wounds from small firearms; in those cases, sometimes it is difficult to even find the holes because of the clean-cut appearance that looks like a pencil made the hole. Here, not so. We had 14 patients come in the span of 34 minutes. The other main hospital received 11 patients. Seven of our patients went to the OR for surgery in that hour. Most had to return to the operating room several more times. Their journey is not done. In the next few months, temporary colostomies and the like will have to be reversed and closed.

In the aftermath, 22 people lost their lives that day. We did save 13 of the 14 patients that arrived to us. That first patient haunts me every night. I wish I could have done more and I blame myself for her death. I saw her autopsy recently to try to get some closure. She was protecting her child, so she was actually shot in the back and out her shoulder. She had a hole the size of a baseball at the top of her lung. Her subclavian vessels were essentially nonexistent. If this injury had been caused by a smaller firearm, she may have had a chance at survival. There was absolutely nothing I could do to fix that kind of devastating injury. I hope that she died knowing that she protected her child from the same fate.

Chair NADLER. Thank you. Chief Brackney?

TESTIMONY OF RASHALL BRACKNEY

Chief BRACKNEY. Committee Chair Representative Jerrold Nadler, Ranking Member Representative Collins, and Members of the U.S. House of Representatives Committee on the Judiciary, I bring you greetings on behalf of the executive board and Members of the National Organization of Black Law Enforcement Executives, NOBLE.

As you know, my name is Dr. RaShall Brackney. I am a member of NOBLE and the chief of police for the Charlottesville Police Department in Charlottesville, Virginia, and all that that brings with it. It is an honor for NOBLE to provide written testimony on the topic of Protecting America from Assault Weapons.

NOBLE is very concerned about the level of gun violence in the United States, and specifically the correlation between violence and the proliferation of assault weapons and high-capacity ammunition magazines. It is our organization's opinion that violence, particularly gun violence, is a public health issue. As with all public health issues, it demands a comprehensive, nonjudgmental, pragmatic, evidence-based approach to saving lives and reducing injury.

NOBLE, along with other organizations, such as the National Law Enforcement Partnership to Prevent Gun Violence, of which we are a member, is committed to addressing the pervasive nature of gun violence and its horrific impact on communities across

America. Specifically, firearm-related injuries and deaths, to include homicides, suicides, and accidental shootings involving assault weapons, is unacceptable and demands immediate attention. To be clear, NOBLE defines assault weapons as “semi-automatic guns with a high-capacity ammunition magazine designed for military use.” We advocate for limiting high-capacity ammunition magazines to 10 rounds and the regulation of new semi-automatic assault weapons.

In 2016, assault weapons accounted for 1 in 4 police officers killed in the line of duty through gun violence. NOBLE supported the Public Safety and Recreational Firearms Use Protection Act or Federal Assault Weapons Ban—AWB—of 1994, and the Federal Assault Weapons Ban Reauthorization Act of 2004. We currently support H.R. 8, which is the bipartisan Background Checks Act of 2018, as does 90 percent of all Americans.

Assault weapons have been used in many mass shootings, such as Marjory Stoneman Douglas High School in Parkland, Florida, the Tree of Life Synagogue Shooting, the Las Vegas Music Festival Shooting, and in El Paso. We believe the level and lethality of gun violence directed at police officers and our communities requires an organized and aggressive response from policymakers at the Federal, State, and local levels. Elected officials must commit to closing gaps in the current regulatory system, including those that enable felons, minors, and other prohibited persons to access firearms, and those that allow the trafficking of illegal guns.

Law enforcement plays a central and critical role in preventing gun violence and solving crime. Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital, and need to be supported by data, research, technology, training, and best practices. Because the public’s health and safety depend on the efforts of law enforcement, agencies must have resources sufficient to prioritize the protection of officers and communities against illegal guns and firearm violence. The crisis of gun violence in our country necessitates a sustained, coordinated, and collaborative effort involving citizens, elected officials, law enforcement, and the entire criminal justice system.

On behalf of the law enforcement leaders of NOBLE, we thank you for supporting law enforcement and our ability to maintain public safety while continuing to address the health issue of gun violence. Our Members stand ready to meet the needs of our communities and the Nation, and we thank you for the opportunity for you to do the same.

[The statement of Chief Brackney follows:]

STATEMENT RASHALL BRACKNEY

**National Organization of Black Law Enforcement Executives
(NOBLE)**

Committee Chair, Representative Jerrold Nadler, Ranking Member, Representative Doug Collins, and Members of the U.S. House of Representatives Committee on the Judiciary, I bring you greetings on behalf of the Executive Board and Members of the National Organization of Black Law Enforcement Executives—NOBLE.

My name is Dr. RaShall Brackney and I am a member of NOBLE and the Chief of Police for the Charlottesville Police Department in Charlottesville, VA. It is an

honor for NOBLE to provide written testimony on the topic of “Protecting America from Assault Weapons.”

NOBLE is very concerned about the level of gun violence in the United States, and specifically the correlation between violence and the proliferation of assault weapons and high-capacity ammunition magazines. It is our organization’s opinion that violence—particularly gun violence is a public health issue. As with all public health issues, it demands a comprehensive, nonjudgmental, pragmatic, evidence-based approach to saving lives and reducing injury. NOBLE along with organizations such as the National Law Enforcement Partnership to Prevent Gun Violence (of which we are a member) is committed to addressing the pervasive nature of gun violence and its horrific impact on communities across America. Specifically, firearm-related injuries and deaths to include homicides, suicides, and accidental shootings, involving assault weapons is unacceptable and demands immediate attention.

To be clear, NOBLE defines assault weapons as semi-automatic guns with a high-capacity ammunition magazine designed for military use. We advocate for limiting high-capacity ammunition magazines to ten rounds and the regulation of new semi-automatic assault weapons. In 2016, assault weapons accounted for 1 in 4 police officers killed in the line of duty through gun violence (Violence Policy Center—February 27, 2018). NOBLE supported the Public Safety and Recreational Firearms Use Protection Act or Federal Assault Weapons Ban (AWB) of 1994 and the Federal Assault Weapons Ban Reauthorization Act of 2004, and we support H.R. 8 (Bipartisan Background Checks Act of 2019) as does 90% of all Americans.

Assault weapons have been used in many mass shootings such as Marjory Stoneman Douglas High School in Parkland, Florida, The Tree of Life Synagogue Shooting, The Las Vegas Music Festival Shooting and in El Paso. We believe the level and lethality of gun violence directed at police officers and our communities requires an organized and aggressive response from policy makers at the federal, state, and local levels. Elected officials must commit to closing gaps in the current regulatory system, including those that enable felons, minors, and other prohibited persons to access firearms, and those that allow the trafficking of illegal guns.

Law enforcement plays a central and critical role in preventing gun violence and solving crime. Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital, and need to be supported by data, research, technology, training, and best practices. Because the public’s health and safety depend on the efforts of law enforcement, agencies must have resources sufficient to prioritize the protection of officers and communities against illegal guns and firearm violence. The crisis of gun violence in our country necessitates a sustained, coordinated, and collaborative effort involving citizens, elected officials, law enforcement, and the entire criminal justice system.

On behalf of the law enforcement leaders of NOBLE, thank you for supporting law enforcement and our ability to maintain public safety while continuing to address the health issue of gun violence. Our Members stand ready to meet the needs of our communities and nation. Thank you again for this opportunity to provide testimony.

Chair NADLER. Thank you very much. Ms. Rand.

TESTIMONY OF KRISTEN RAND

Ms. RAND. Thank you, Mr. Chair and Members of the committee, for hearing the views of the Violence Policy Center. We’re a national educational organization working to reduce gun violence.

Generally, semi-automatic assault weapons are civilian versions of military assault weapons. Semi-automatic assault weapons look the same as their military counterparts because they are virtually identical, save for one feature. Military assault weapons are machine guns capable of fully automatic fire.

Assault weapons did not just happen. They were developed to meet well-defined combat needs. The most significant assault weapon functional design feature is the ability to accept a detachable ammunition magazine. The gun industry introduced semi-automatic versions of military assault weapons to create and exploit new civilian markets for these deadly weapons. The gun industry began to aggressively market assault weapons in the 1980s,

and although the gun lobby today argues there's no such thing as a civilian assault weapon, and now euphemistically refers to them as "modern sporting rifles," the industry and gun magazines enthusiastically described these civilian versions as "assault rifles," "assault pistols," and "military assault weapons" to boost civilian sales throughout the 1980s.

The industry's marketing of assault weapons has intensified as the market for traditional hunting and sporting firearms has waned. Today's militarized gun industry is focused primarily on developing and marketing increasingly lethal assault weapons. The gun industry's marketing campaigns stress that semi-automatic assault weapons available to civilians are the equivalent of those used by the military. The industry's marketing materials are replete with military images and language. I'll just give you one example from FN's 2019 catalog. "Our tactical firearms are the stuff of legend. Every innovation is born in the battlefield, built for the home front."

The rise of public mass shootings directly coincides with the increasing availability of assault weapons and high-capacity magazines. Prior to the 1980s, the United States very rarely experienced the trauma of a public mass shooting. That began to change in 1984 when James Huberty decided he wanted to go hunting for humans at a McDonald's in San Ysidro, California. Huberty wielded an Uzi carbine and killed 21 and wounded 19. Now these assault weapon attacks are coming with increasing frequency and higher death tolls. The impact of the industry's intensifying focus on military-style firearms can be seen in the weapons chosen by today's mass shooters. For example, the shooter who killed nine and wounded 27 in Dayton chose an AR-type assault pistol equipped with a stabilizing brace, a relatively new trend in industry innovation.

A major point I would like to make, given this opportunity, is that assault weapons are not just about mass shootings. The threat posed by these weapons is much broader than that, and, in fact, they pose a significant risk to law enforcement. The Violence Policy Center performed an analysis of unpublished information from the FBI and determined that 1 out of 5 law enforcement officers slain in the line of duty in 2016 and 2017 were killed with assault weapons. In addition, assault weapons are the clear weapons of choice of cross-border gun traffickers supplying criminal organizations in Mexico and other Latin American countries. We have an ongoing project looking at the firearms seized in the context of these types of trafficking prosecutions and found that 55 percent of the 6,000 firearms named in trafficking prosecutions were assault weapons. Finally, assault weapons are used in street crime, which I'm sure you'll hear more from law enforcement today.

I just quickly want to address some items with respect to policy, a ban. The definition must be very clear and something the industry cannot evade, and we must find a way to grapple with the grandfathered weapons. Those are the two major flaws with the 1994 law, and we need those to be addressed. Thank you for considering my views.

[The statement of Ms. Rand follows:]

**STATEMENT OF KRISTEN RAND
LEGISLATIVE DIRECTOR
VIOLENCE POLICY CENTER**

Thank you, Mr. Chairman, and members of the committee, for this opportunity to present the views of the Violence Policy Center (VPC).¹ The VPC is a national non-profit educational organization working to prevent violence. The VPC has studied the firearms industry for more than 30 years.

What is a Semiautomatic Assault Weapon?

Semiautomatic assault weapons are civilian versions of automatic military assault rifles (like the M-16 and AK-47), automatic military assault pistols (like the UZI), and semiautomatic shotguns with military features (such as the ability to accept a detachable ammunition magazine). Semiautomatic assault rifles look the same as their military counterparts because they are virtually identical, save for one feature: military assault rifles are machine guns. A machine gun fires continuously as long as the trigger is held back or in bursts of multiple shots with one trigger pull. Civilian assault rifles are semiautomatic weapons. The trigger of a semi-automatic weapon must be pulled back separately for each round fired. Because federal law has banned the sale of new machine guns to civilians since 1986, and heavily regulates sales to civilians of older machine guns, there is virtually no civilian market for fully automatic assault weapons. The gun industry introduced semiautomatic versions of military assault weapons in order to create and exploit new civilian markets for these deadly weapons.

Assault weapons did not “just happen.” They were developed to meet well-defined combat needs. All assault weapons—military and civilian alike—incorporate features that were designed to provide a specific military combat function. The first mass produced assault rifle was the German Sturmgewehr-44, or StG-44, developed by the Nazis in WWII. The distinctive “look” of assault weapons is not merely “cosmetic,” as the gun lobby often argues—the weapon’s appearance is the result of the design of the gun following its function. The most significant assault weapon functional design features are: (1) Ability to accept a detachable high-capacity ammunition magazine; (2) a rear pistol or thumb-hole grip; and (3) a forward grip or barrel shroud. These features also distinguish assault weapons from traditional sporting firearms.

Although the gun industry likes to argue in public that only firearms capable of fully automatic fire can be classified as “assault” weapons, some experts concede that any difference between semiautomatic and fully automatic versions of the same gun are negligible. In the words of Duncan Long, author of the 1986 book *Assault Pistols, Rifles and Submachine Guns*:

¹ For more information about the Violence Policy Center, please see www.vpc.org.

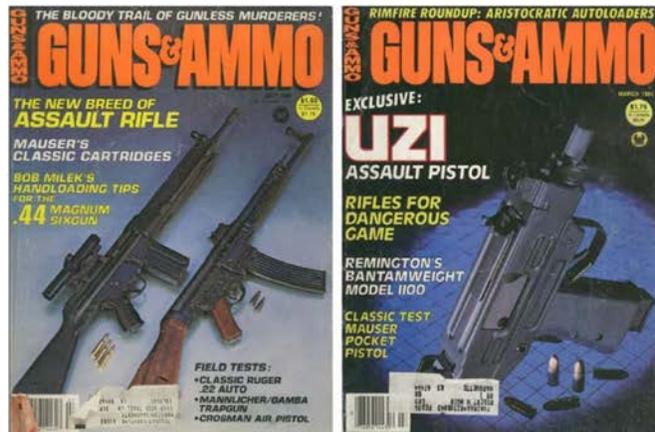
The next problem arises if you make a semiauto-only model of one of these selective-fire rifles. According to the purists, an assault rifle has to be selective fire. Yet, if you think about it, it's a little hard to accept the idea that firearms with extended magazines, pistol grip stock, etc., cease to be assault rifles by changing a bit of metal.

Moreover, semiautomatic fire is recognized as more accurate than fully automatic, which is used only in limited circumstances by military troops. The Army's 2016 guide to rifles and Carbines explains:

Automatic or burst fire is when the Soldier is required to provide suppressive fires with accuracy, and the need for precise fires, although desired, is not as important. **Automatic or burst fires drastically decrease the probability of hit due to the rapid succession of recoil impulses and the inability of the Soldier to maintain proper sight alignment and sight picture on the target.** [emphasis added]

The Gun Industry Began Aggressively Marketing Assault Weapons to Civilians in the 1980s

Although the gun lobby today argues that there is no such thing as civilian assault weapons and now euphemistically calls them "modern sporting rifles," the industry and gun magazines enthusiastically described these civilian versions as "assault rifles," "assault pistols," and military assault" weapons to boost civilian sales throughout the 1980s.

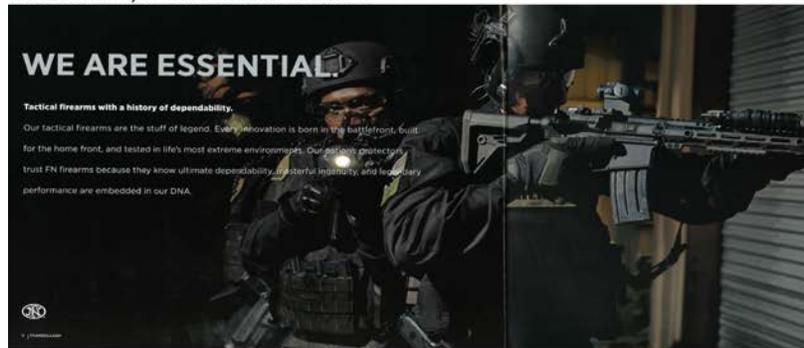


The industry's marketing of assault weapons has intensified as the market for traditional hunting and sporting firearms has waned. As fewer Americans hunt—only four percent of those 16 years of age and older hunt today—the industry is desperate to identify and expand the

market for non-sporting firearms.² Today's militarized gun industry is focused primarily on developing and marketing increasingly lethal assault weapons as well as handguns for concealed carry.³

What we see in today's gun industry is a cluster of companies dedicated to producing and/or importing only semiautomatic assault weapons, including but certainly not limited to AR and AK-type rifles, pistols, and shotguns. In addition, most of the legacy American gunmakers such as Smith & Wesson and Sturm, Ruger have decided to take advantage of the market for assault weapons. For example, Smith & Wesson introduced its first assault rifle, the M&P15 (for "Military and Police") in 2006. Since then, the weapon has been used in some of our nation's deadliest mass shootings—including the Parkland school shooting in 2018, the attack at the San Bernardino Regional Center in 2015, and the Aurora theater shooting in 2012.⁴ American gun companies are joined by a variety of foreign-based manufacturers, such as FN and Sig Sauer.

The gun industry's marketing campaigns stress that the semiautomatic assault weapons available to civilians are equivalent to the guns used by the military. The industry's marketing materials are replete with military images and language. One recent example from FN's 2019 product catalog brags, "Our tactical firearms are the stuff of legend. Every innovation is born in the battlefield, built for the home front...."⁵



² 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, U.S. Fish and Wildlife Service.

³ For more information on the military orientation of today's gun industry, see *The Militarization of the U.S. Civilian Firearms Market*, Violence Policy Center, June 2011, <http://vpc.org/studies/militarization.pdf>.

⁴ For more information on the Smith & Wesson M&P15, see *Understanding the Smith & Wesson M&P15 Semiautomatic Assault Rifle*, Violence Policy Center, February 2018, <http://vpc.org/wp-content/uploads/2018/02/FloridashootingSmithWesson.pdf>.

⁵ For more examples of the gun industry's militarized marketing strategy, see *The Militarized Marketing of Bushmaster Assault Rifles*, Violence Policy Center, April 2018, <http://vpc.org/wp-content/uploads/2018/04/Bushmaster2018.pdf> and *Freedom Group's Militarized Marketing*, Violence Policy Center, January 2014, <http://vpc.org/studies/freedomgroup.pdf>.

The Rise in Public Mass Shootings Coincides with the Increasing Availability of Assault Weapons and High-Capacity Ammunition Magazines

Prior to the 1980s, the United States very rarely experienced the trauma of a public mass shooting. That began to change in 1984 when James Huberty decided to go “hunting for humans” at a McDonald’s in San Ysidro, California. Huberty wielded an UZI Carbine and killed 21 people and wounded 19. His victims ranged in age from eight months to 74 years. In the years that followed, America has experienced a series of traumatic mass shootings in which the shooter used an assault weapon. Now these assault weapon attacks are coming with increasing frequency and higher death tolls.^{6 7}

Semiautomatic assault weapons provide tremendous advantages to shooters in the context of a public mass shooting. They provide the ability to very quickly fire multiple rounds of ammunition while also allowing the shooter to quickly reload. The result is the capability to fire tens or even hundreds of rounds in a brief period of time. The design features of these firearms make them more controllable, maneuverable, and concealable.

AR-15 Semiautomatic Assault Rifle



⁶ In a study comparing active shooter incidents, researchers found that “more people were wounded and killed in incidents in which semiautomatic rifles were used compared with incidents involving other firearms.” “Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States,” *Journal of the American Medical Association*, no. 10 (2018): 1034.

⁷ For examples of mass shootings involving assault weapons and high-capacity ammunition magazines, see the Violence Policy Center fact sheet, “Mass Shootings in the United States Involving High-Capacity Ammunition Magazines,” http://vpc.org/fact_sht/VPCshootinglist.pdf.

The impact of the gun industry's intensifying focus on military-style firearms can be seen in the weapons chosen by today's mass shooters. For example, the shooter who killed nine and wounded 27 in Dayton, Ohio in August chose an AR-type assault pistol equipped with a stabilizing brace, a relatively new trend in gun industry "innovation." The industry now markets these assault pistols as a necessary upgrade for concealed carry, with one gun magazine noting that an assault pistol will provide longer range and an increase in "terminal performance" while at the same time "remaining relatively small."⁸ The Dayton shooting grimly highlighted the fact that not all assault weapons are rifles. The "assault weapon" category is, in fact, rapidly expanding to include a new breed of assault pistols modeled after AR and AK-type rifles. These pistols combine the firepower of a rifle with the concealability of a pistol. Another dangerous trend is new assault shotguns that use detachable ammunition magazines, some of which are also modeled on AR and AK-type rifles.



Firearms News review of the Sig Sauer Copperhead assault pistol

⁸ "Something... More: Does Sig Sauer's Copperhead Offer a Step Up From Your CCW Pistol?," *Firearms News*, September 2019.



Kalashnikov Shotgun offered for sale by Atlantic Firearms

Assault Weapons are Not Just Used in Mass Shootings

Although public mass shootings are the events that the public most commonly associates with assault weapons, the special hazard posed by these weapons is much broader in scope.

Assault weapons pose a significant risk to law enforcement. In August, a gunman armed with an AR-15 assault rifle wounded six Philadelphia police officers and held police at bay for seven and a half hours. Attacks on law enforcement by assailants armed with assault weapons are not uncommon. The Violence Policy Center performed an analysis of unpublished information from the FBI and determined that one of five law enforcement officers slain in the line of duty in 2016 and 2017 were killed with assault weapons. Moreover, our analysis of attacks in which multiple officers were killed in 2016 found that 75 percent of the officers were killed with an assault weapon.

Assault weapons are the clear “weapons of choice” of cross-border gun traffickers supplying criminal organizations in Mexico and other Latin American countries. It is well documented that drug trafficking organizations in Mexico rely on AR and AK-type firearms smuggled from the United States. The Bureau of Alcohol, Tobacco, Firearms and Explosives has identified AR and AK-type rifles as the weapons of choice of organized crime organizations operating south of the border. The Violence Policy Center has an ongoing project analyzing federal prosecutions of cross-border traffickers. We collect information on specific firearms identified in court documents by make and model (and usually serial number). We have found that assault rifles

represent the majority (55 percent) of the more than 6,000 named firearms. The traffickers also have an increasing appetite for AR and AK-type pistols.⁹

Assault weapons are used in street crime. The use of assault weapons in crime is not limited to mass shootings and attacks on law enforcement, they are also employed on America's streets. For example, the Violence Policy Center obtained information on guns seized by the Philadelphia Police Department from 2007 through mid-2013. Thirty-one percent of the rifles recovered were assault rifles. The crimes associated with those assault rifles included homicides, aggravated assaults (including assaults on family and law enforcement), robberies, weapon offenses, and drug offenses. Assault pistols were also represented in the seizures and were associated with multiple homicides, aggravated assaults, and robberies. As the number and variety of assault weapons continues to proliferate, they will more commonly be used in crime.

Implications for Policy

The threat posed by assault weapons to public safety and law enforcement is real and demands a thorough policy response. Any ban must incorporate a definition of "assault weapon" that cannot be evaded by the gun industry. This was the major flaw with the federal ban that was in place from 1994 until 2004. The definitions allowed the industry to continue to develop and sell *de facto* assault weapons. Today, we understand the myriad tricks the industry employs to work around previous and existing definitions of "assault weapons," so crafting an effective definition is possible. A new ban must also address grandfathered "assault weapons" more effectively than the 1994 law. Options for grandfathered weapons include background checks on all future transfers, mandatory registration under the National Firearms Act, and buybacks.

Thank you for considering our views.

⁹ *Cross-Border Gun Trafficking: An Ongoing Analysis of the Types of Firearms Illegally Trafficked from the United States to Mexico and Other Latin American and Caribbean Countries as Revealed in U.S. Court Documents*, <http://vpc.org/indicted/>.

Chair NADLER. Thank you very much. Ms. Swearer?

TESTIMONY OF AMY SWEARER

Ms. SWEARER. Chair Nadler, Ranking Member Collins, and distinguished Members of Congress. My name is Amy Swearer, and I'm the senior legal policy analyst at the Heritage Foundation's Ed Meese Center for Legal and Judicial Studies.

Just as doctors can only recommend an effective treatment plan if they first form a correct diagnosis based on accurate assessment of the symptoms, policy analysts and policymakers must have an accurate understanding of the societal problems they are seeking to combat. Unfortunately, too many policymakers appear completely uninformed about basic factual realities related to guns and gun violence.

Don't misunderstand me. We all want safer communities, but the characteristics distinguishing so-called assault weapons from non-assault weapons are not factors like caliber, lethality, or rate of fire. Proposals to ban scary-looking features like barrel shrouds or pistol grips are, for all intents and purposes, proposals to force law-abiding citizens to own guns that are harder for them to handle, harder to fire accurately, and more likely to cause them injuries, even when they are being used for lawful purposes.

Moreover, semi-automatic rifles are not a meaningful driving factor behind rates of gun violence. Two-thirds of gun deaths in this country are suicides, but the type of firearm is essentially irrelevant. With respect to gun crimes, over 90 percent are committed with handguns. Rifles of any kind are definitively used in only 3 to 4 percent of gun homicides every year, and an American citizen is four times as likely to be stabbed to death than they are to be shot to death with a rifle of any kind.

Despite frequent claims that semi-automatic rifles are the weapon of choice for mass public shooters, in the last decade, over half of these shootings have been carried with handguns alone. On the other hand, semi-automatic rifles, like the AR-15, are so well suited for defensive action against threats in a civilian context that the Department of Homeland Security quite literally designates them as personal defense weapons for law enforcement officers. It is little wonder then that millions of law-abiding citizens in this country also choose these types of semi-automatic rifles as their own personal defense weapons.

Far from needing to be protected from these rifles, law-abiding Americans benefit when they are allowed to defend themselves with them, particularly in situations where they are outnumbered. Just last week, a homeowner in Rockdale County, Georgia relied on his scary-looking semi-automatic assault weapon to defend himself against three masked teens armed with at least one handgun who tried to rob him and other residents in their own front yard. Ironically, the rifle deemed an assault weapon by many in this room was used defensively to protect innocent people against assault, while the perpetrators used a non-assault weapon offensively to commit actual assault.

Importantly, some of the most famous examples of the defensive use of assault weapons by civilians come from scenarios where the government has been either unable or unwilling to defend entire

communities from large-scale civil unrest. During the 1992 L.A. riots, for example, law enforcement was nowhere to be found as hundreds of looters ransacked Koreatown. Ordinary store owners, like Richard Rhee and his employees, took it upon themselves to defend their livelihoods from lawlessness, using, in many cases, semi-automatic rifles. Similar stories emerged during the civil unrest in Ferguson, Missouri in 2014.

There are some here today who still genuinely don't understand why or how anyone would need such scary-looking rifles for purposes other than mass murder, and so I have permission from my mother to explain it to you by partially embarrassing her. My mother did not grow up with firearms, and they will never be her favorite thing in the world. In fact, she had ever handled a firearm until I took her to the range for the first time several years ago.

Now, I love my mother, but like every other novice with a handgun, she was quite bad. I mean, she struggled to hit a stationary target from 6 yards out under ideal conditions. And then she picked up an AR-15, and I watched my mother put a fist-sized gripping of lead in the center mass of a target from 20 yards out. That is why law-abiding citizens buy millions of these firearms.

When accuracy and stopping power matter, they are simply better. Americans use firearms to defend themselves between 500,000 and 2 million times every year. God forbid that my mother is ever faced with a scenario where she must stop a threat to her life, but if she is, I hope politicians protected by professional armed security didn't strip her of the right to use the firearm she can handle most competently. Frankly, I hope she has in her hands the scariest-looking assault weapon she can find so that we can both be confident in her ability to end the threat. Thank you.

[The statement of Ms. Swearer follows:]

STATEMENT OF AMY SWEARER

Chair Nadler, Ranking Member Collins, and distinguished Members of Congress:

My name is Amy Swearer, and I am the Senior Legal Policy Analyst in the Edwin Meese III Center for Legal and Judicial Studies at The Heritage Foundation.¹ One of my primary issues of research is the Second amendment and firearm-related policy. I have been heavily involved in the Heritage Foundation's School Safety Initiative, which was begun immediately after the tragic 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida, to ensure that conservative voices played an active role in conversations about gun violence and school safety. My colleague John Malcolm and I have also co-authored a series of Heritage Legal Memoranda examining the role of serious untreated mental illness in gun violence.

Having a correct understanding of the reality of gun-related violence—its scope, its causes, its exacerbating factors—is vitally important to the creation of good public policy. Just as doctors must form a correct diagnosis based on an accurate assessment of symptoms if they are to recommend an effective treatment plan, policy analysts and policymakers must have an accurate understanding of the societal prob-

¹The title and affiliation are for identification purposes. Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed here are my own and do not reflect an institutional position for The Heritage Foundation or its board of trustees. The Heritage Foundation is a public policy, research, and educational organization recognized as exempt under section 501(c)(3) of the Internal Revenue Code. It is privately supported and receives no funds from any government at any level, nor does it perform any government or other contract work. The Heritage Foundation is the most broadly supported think tank in the United States. During 2017, it had hundreds of thousands of individual, foundation, and corporate supporters representing every State in the U.S. Its 2017 income came from the following sources: Individuals 71%, Foundations 9%, Corporations 4%, Program revenue and other income 16%. The top five corporate givers provided The Heritage Foundation with 3.0% of its 2017 income. The Heritage Foundation's books are audited annually by the national accounting firm of RSM US, LLP.

lems they are seeking to combat. Unfortunately, too many policymakers appear completely uninformed about basic factual realities related to guns and gun violence.

When we honestly assess the characteristics of so-called “assault weapons,” the reality of gun-related violence in the United States, and the limited role those weapons play in that violence, we find that they do not pose a serious threat to public safety. In short, the public perception of these semi-automatic rifles is not consistent with reality. As an objective measure, semi-automatic rifles are simply not used in the vast majority of gun deaths. Moreover, in the small percentage of cases where they are used, it is often unlikely that their use—as opposed to the use of other firearms—made any meaningful difference. Finally, while these types of firearms are rarely used to commit crimes, they are used countless numbers of times every year by law-abiding citizens for lawful purposes, including self-defense.

I. The Characteristics of “Assault Weapons” Make Them Safer for Lawful Use, Not More Dangerous

The term “assault weapon” does not have one official definition, but typically denotes firearms that have a range of features associated with modern semi-automatic rifles such as the AR-15. It should be noted that the phrase “assault weapon” is not a technical or legal term, but rather appears to have become popular as part of a concerted effort by gun control advocates to manipulate those with limited knowledge of firearms into confusing certain semi-automatic rifles with “assault rifles,” which are functionally distinct and heavily regulated by the Federal Government.² However, unlike “assault rifles,” which are distinguished from other rifles based on features that affect a firearm’s mechanics and allow for faster rates of fire, “assault weapons” are universally categorized based on cosmetic features alone.³ The addition of these cosmetic features, such as barrel shrouds, pistol grips, forward grips, and collapsible buttstocks, do not change the lethality of the round fired or increase the rate at which those rounds can be fired. In fact, these features exist for the purpose of making the firearm safer to operate and easier to fire in a more accurate manner.

For instance, barrel shrouds are a component of “assault weapons” that protect the operator’s hand by partially or completely covering the rifle barrel, which can often become hot enough to cause serious burns after as little usage as shooting through one standard magazine at a range.⁴ The protective function of the barrel shroud is so fundamental to its existence that recently proposed legislation to ban its use defined the feature as: “a shroud that is attached to, or partially or completely encircles, the barrel of a firearm so that the shroud protects the user of the firearm from heat generated by the barrel.”⁵ Yet, despite the fact that the entire function of a barrel shroud is to protect lawful users from injury during lawful use, gun control advocates routinely point to this feature as something that must be banned because it also protects unlawful users from injury.⁶

Similarly, collapsible or folding stocks do not affect the mechanics of a firearm, but allow its length to be adjusted to better suit the operator’s specific height, wingspan, and firing stance.⁷ Prohibiting the use of collapsible stocks for civilian purposes because criminals might also take advantage of those features is the logical equivalent of prohibiting the use of seat adjustment settings in a car so that would-be drunk drivers have a slightly more difficult time comfortably operating a vehicle while under the influence of alcohol. The prohibition does not meaningfully affect the ability of the drunk driver to break the law and put lives in danger, but it does make it significantly more difficult for many lawful drivers to operate standard cars in a safe manner.

The same reasoning is true of prohibitions on the use of pistol grips and forward grips, which allow the operator to gain a more stable shooting base and fire in a

²For example, many attribute the popularization of the term to the Violence Policy Center’s Josh Sugarman, who in 1988 authored a paper insinuating that its use was beneficial to fostering public support for gun control. See Aaron Blake, *Is It Fair To Call Them “Assault Weapons”?*, WASH. POST (Jan. 17, 2013), <https://www.washingtonpost.com/news/the-fix/wp/2013/01/17/is-it-fair-to-call-them-assault-weapons/?arc404=true>.

³See generally David B. Kopel, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. CONTEMP. L. 381, 395–401 (1994); E. Gregory Wallace, “Assault Weapons” Myths, 43 S. Ill. U. L.J. 193 (2018).

⁴See Dennis P. Chapman, *Features and Lawful Common Uses of Semi-Automatic Rifles*, Working Paper, at 63–68 (last revised Aug. 29, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3436512.

⁵Assault Weapons Ban of 2013, S. 150, 113th Cong. § 2(b)(38) (2013).

⁶See Chapman, *supra* note 4, at 37–38; Wallace, *supra* note 3, at 211–212.

⁷See Kopel, *supra* note 4, at 398–99; Chapman, *supra* 4, at 80–87.

more accurate manner.⁸ Accuracy is objectively less important for a would-be mass shooter, whose goal is not meaningfully thwarted if some rounds miss the intended target and strike another. But for the recreational shooter, the hunter, and the individual utilizing a firearm in self-defense, accuracy is vital. For someone relying on a firearm in self-defense, in particular, the ability to accurately hit a moving target and end the threat can mean the difference between life or death.

In short, proposals to ban “assault weapons” are, for all intents and purposes, proposals to force law-abiding citizens to use firearms that are harder to fire accurately and more likely to cause them injuries, even when being used for lawful purposes. As will be expounded below, this logic is even less persuasive in light of the fact that semi-automatic rifles are not a significant factor behind gun violence of any kind.

II. Semi-Automatic Rifles are Not a Significant Factor Behind Gun Violence

Banning the civilian possession of certain commonly owned semi-automatic rifles is an unnecessary and ineffective means of combating gun-related violence, in large part because these rifles are simply not used in the overwhelming majority of firearm-related deaths in the United States. They play such a minimal role in gun-related violence that, even if prohibition were 100 percent successful and no substitution for other firearms occurred, such a law would fail to have a meaningful impact on overall rates of gun violence.

A. Semi-Automatic Rifles Play No Meaningful Role in Firearm Suicides

For almost the last 20 years, the clear driving force behind gun deaths in the United States has not been homicide, but suicide, which now accounts for almost two-thirds of all gun-related deaths in the country every year.⁹ Without a doubt, the type of firearm most commonly used in those suicides is the handgun.¹⁰ However, even where semi-automatic rifles are used to commit suicide, the nature of suicide renders the type of firearm irrelevant. The unfortunate reality is that it does not matter whether the suicidal person pulled the trigger on a handgun, a shotgun, or a rifle—the outcome would be the same. For the increasing majority of gun-related deaths, then, policies directed at firearm type are far less meaningful than policies directed at more general mental health intervention.¹¹

⁸ Wallace, *supra* note 4, at 230–31; Kopel, *supra* note 4, at 396–97.

⁹ See Drew DeSilver, *Suicides Account for Most Gun Deaths*, PEW RESEARCH CENTER (May 24, 2013), <http://www.pewresearch.org/fact-tank/2013/05/24/suicides-account-for-most-gun-deaths/>; Sherry L. Murphy *et al.*, *Deaths: Final Data for 2015*, 66 *National Vital Statistics Report* No. 6, 39, Table 8 (Nov. 27, 2017), https://www.cdc.gov/nchs/data/nvsr/nvsr66/nvsr66_06.pdf. See also, National Center for Injury Prevention and Control, *Web-based Injury Statistics Query and Reporting System (WISQARS)* (last visited July 1, 2019), www.cdc.gov/injury/wisqars. Importantly, even as the total number of suicides has increased over the last 30 years, the percentage of suicides carried out with firearms has actually decreased. See Sally C. Curtin *et al.*, *Increase in Suicide in the United States, 1999–2014*, NATIONAL CENTER FOR HEALTH STATISTICS DATA BRIEF NO. 241 (Apr. 2016), <https://www.cdc.gov/nchs/products/databriefs/db241.htm>.

¹⁰ See, e.g., Philip Alpers *et al.*, *United States—Death and Injury*, Sydney School of Public Health, *GunPolicy.Org* (last visited Aug. 17, 2019), <https://www.gunpolicy.org/firearms/region/united-states>. For suicides where data is available, the number of suicides committed with handguns routinely and substantially outpaces the number of suicides committed with long guns of any type. *Id.*

¹¹ These measures can include, among other things, increasing the number of public psychiatric beds available for treating those in the midst of mental health crises, as well as the use of so-called red flag laws. See John G. Malcolm & Amy Swearer, *Part I: Mental Illness, Firearms, and Violence*, HERITAGE FOUND. LEGAL MEMORANDUM NO. 239 (Jan. 31, 2019), <https://www.heritage.org/civil-society/report/part-i-mental-illness-firearms-and-violence>; John G. Malcolm & Amy Swearer, *Part II: The Consequences of Deinstitutionalizing the Severely Mentally Ill*, HERITAGE FOUND. LEGAL MEMORANDUM NO. 240 (Feb. 5, 2019), <https://www.heritage.org/firearms/report/part-ii-the-consequences-deinstitutionalizing-the-severely-mentally-ill>; John G. Malcolm & Amy Swearer, *Part III: The Current State of Laws Regarding Mental Illness and Guns*, HERITAGE FOUND. LEGAL MEMORANDUM NO. 241 (Feb. 13, 2019), <https://www.heritage.org/civil-society/report/part-iii-the-current-state-laws-regarding-mental-illness-and-guns>. While red flag laws in particular may be useful as specific interventions to temporarily disarm objectively dangerous individuals, in order to be unobjectionable, they must afford stringent and meaningful due process protections. See Amy Swearer, *Answers to Common Questions About “Red Flag” Gun Laws*, HERITAGE FOUNDATION (Aug. 16, 2019), <https://www.heritage.org/firearms/commentary/answers-common-questions-about-red-flag-gun-laws>. Any laws that fail to afford adequate protections against the wrongful or arbitrary loss of con-

The complete irrelevance of semi-automatic rifles to firearm suicides is especially important in light of the greater reality of gun violence in this country. The United States is actually in the midst of a decade of historically low rates of violent crime, with national rates of gun homicide and overall homicide roughly 50 percent lower today than at their height in the early 1990s.¹² This is not merely a case of better emergency medical practices saving lives, either, as non-fatal firearm crime rates are now one-sixth of what the Nation experienced in the early 1990s.¹³ Amazingly, this dramatic decrease in interpersonal violence has occurred during a time when rates of household gun ownership have remained stable, the number of firearms per capita has increased by roughly 50 percent, and semi-automatic rifles are becoming increasingly popular amongst civilians.¹⁴

B. Handguns, Not Semi-Automatic Rifles, are Used in Most Gun Crimes

Far from being the weapon of choice for would-be criminals, semi-automatic rifles are statistically the type of firearm least likely to be used for unlawful purposes, particularly compared to handguns.¹⁵ Over the last decade, rifles of any kind were definitively used in only 3–4 percent of gun homicides, and it is not clear how many of those deaths actually involved the use of “assault weapons” compared to other types of rifles.¹⁶ The average American is, in fact, four times more likely to be stabbed to death than he or she is to be shot to death with a rifle of any kind.¹⁷

stitutional rights by law-abiding and non-dangerous citizens should be categorically rejected as an inappropriate means of combating gun-related violence.

¹²See Jens Manuel Krogstad, *Gun Homicides Steady After Decline in '90s; Suicide Rate Edges Up*, PEW RESEARCH CENTER (Oct. 21, 2015), <https://www.pewresearch.org/fact-tank/2015/10/21/gun-homicides-steady-after-decline-in-90s-suicide-rate-edges-up/>.

¹³See *id.*; Michael Planty & Jennifer L. Truman, *Firearm Violence, 1993–2011*, Bureau of Justice Statistics NCJ 241730 (May 2013), <https://www.bjs.gov/content/pub/pdf/fv9311.pdf>; Michael Planty & Jennifer L. Truman, *Criminal Victimization, 2017*, Bureau of Justice Statistics NCJ 252472 (Dec. 2018), <https://www.bjs.gov/content/pub/pdf/cv17.pdf>.

¹⁴In 1994, Americans owned an estimate 192 million firearms, while the 2018 Small Arms Survey indicated that Americans now own roughly 400 million firearms. Compare Jens Ludwig and Phillip J. Cook, *Guns in America: National Survey on Private Ownership and Use of Firearms*, NCJ 165476, May 1999, <http://www.ncjrs.org/pdffiles/165476.pdf> with Aaron Karp, *Estimating Global Civilian-Held Firearms Numbers*, SMALL ARMS SURVEY BRIEFING PAPER (June 2018), <http://www.smallarmsurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf>. Rates of household gun ownership have remained consistently in the area 40 to 45 percent since 1974, with the United States seeing both a high of 51 percent in 1993 and a low of 34 percent in 1999 before evening back out in recent years. See *Historical Trends: Guns—Do You Have A Gun In Your Home?*, GALLUP (last visited Sept. 23, 2019), <https://news.gallup.com/poll/1645/guns.aspx>. See also, Brief of the National Shooting Sports Foundation, Inc., *New York State Pistol & Rifle Ass'n, Inc. v. Cuomo*, 804 F.3d 242 (2nd Cir. 2015), <http://www.nysrpa.org/files/SAFE/NSSF-amicus2.pdf>.

¹⁵Handguns are used in the overwhelming majority of both firearm-related homicides and non-fatal firearm crimes. Federal Bureau of Investigation, *Crime in the United States 2017, Expanded Homicide Data Table 8*, FEDERAL BUREAU OF INVESTIGATION: UNIFORM CRIME REPORTS (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls>; Federal Bureau of Investigation, *Crime in the United States 2013, Expanded Homicide Data Table 8*, FEDERAL BUREAU OF INVESTIGATION: UNIFORM CRIME REPORTS (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide-expanded-homicide-data-table-8-murder-victims-by-weapon-2009-2013.xls>; Marianne W. Zawitz, *Guns Used in Crime*, KBUREAU OF JUSTICE STATISTICS NCJ-148201 (July 1995), <https://www.bjs.gov/content/pub/pdf/GUIC.PDF>; *Firearms Trace Data: Firearm Types Recovered and Traced in the United States and Territories*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (Last Reviewed Sept. 23, 2019), <https://www.atf.gov/resource-center/firearms-trace-data>.

¹⁶Federal Bureau of Investigation, *Crime in the United States 2017, Expanded Homicide Data Table 8*, Federal Bureau of Investigation: Uniform Crime Reports (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls>; Federal Bureau of Investigation, *Crime in the United States 2013, Expanded Homicide Data Table 8*, Federal Bureau of Investigation: Uniform Crime Reports (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide-expanded-homicide-data-table-8-murder-victims-by-weapon-2009-2013.xls>.

¹⁷Federal Bureau of Investigation, *Crime in the United States 2017, Expanded Homicide Data Table 8*, Federal Bureau of Investigation: Uniform Crime Reports (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls>; Federal Bureau of Investigation, *Crime in the United States 2013, Expanded Homicide Data Table 8*, Federal Bureau of Investigation: Uniform Crime Reports (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide-expanded-homicide-data-table-8-murder-victims-by-weapon-2009-2013.xls>.

Continued

Even where semi-automatic rifles were used to commit homicide, it is nearly impossible to determine how many of those homicides would not have been successfully committed if the perpetrator had relied on a different type of firearm. This same low estimate of rifle usage holds true across non-fatal firearm crimes, where 90 percent are attributable to handguns and only 10 percent are attributable to long guns of any kind.¹⁸ The official analysis of the 1994 federal assault weapons ban only underscores the reality that the prohibition of firearms least likely to be used in violent crime is an ineffective way of combating that violent crime. It concluded that “[s]hould it be renewed, the ban’s effects on gun violence are likely to be small at best and perhaps too small for reliable measurement. [Assault weapons] were rarely used in gun crimes even before the ban.”¹⁹

C. Handguns, Not Rifles, are the “Weapon of Choice” in Mass Public Shootings

Gun control advocates, politicians, and the media routinely characterize semi-automatic rifles, specifically the AR–15, as the “weapon of choice” for mass public shooters. This is objectively incorrect. Over the last decade, more than half of mass public shooters have used handguns alone.²⁰ Of those who did use rifles, the majority also brought other firearms, such as shotguns or handguns.²¹

The reality is that, even if all would-be mass public shooters were successfully diverted to the use of “non-assault weapons,” it would likely have no meaningful impact on their ability to kill large numbers of unarmed civilians. With only a few notable exceptions, such as the Las Vegas shooting in 2018, the type of firearm was simply not a major factor in the ability of mass shooters to cause significant casualties, particularly compared to other important factors such as the time the shooter remained unopposed by an armed response.²² While it is deeply unsettling to consider, when individuals intent on evil have several minutes to hunt down and kill unarmed civilians confined together as “soft targets,” it does not matter whether the person has a shotgun, a handgun, or a rifle. Some of the deadliest mass public shootings in United States history have been carried out with nothing more than handguns. This includes the worst school shooting in U.S. history, at Virginia Tech in 2006, where the shooter was able to fire 174 rounds in roughly 11 minutes, killing 30 people and wounding 17 others with nothing more than common, relatively low-caliber handguns.²³ Similarly, in 1991 a shooter at a Luby’s Cafeteria in Killeen, Texas, fatally shot²³ and wounded another 19 with two handguns.²⁴

All of this must be factored in light of the incredibly small role mass public shootings play in the overall number of firearm-related violence, accounting for only a

fenses-known-to-law-enforcement/expanded-homicide/expanded_homicide_data_table_8_murder_victims_by_weapon_2009-2013.xls.

¹⁸Michael Planty & Jennifer L. Truman, *Firearm Violence, 1993–2011*, Bureau of Justice Statistics NCJ 241730 (May 2013), <https://www.bjs.gov/content/pub/pdf/fv9311.pdf>.

¹⁹Christopher S. Koper, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003* (June 2004), <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>.

²⁰See John R. Lott, Jr., & Rebekah C. Riley, *The Myths About Mass Public Shootings: Analysis*, Crime Research Prevention Center (Sept. 30, 2014), <https://crimeresearch.org/wp-content/uploads/2014/10/CPRC-Mass-Shooting-Analysis-Bloomberg1.pdf>. More recent data compiled by the Mother Jones mass public shooting database for the 48 mass shootings between January 1, 2014 and September 23, 2019 shows that handguns continue to be the firearm of choice for mass public shooters, with the data showing 22 cases where the shooter used handguns alone but only 11 where the shooter used rifles alone. Mother Jones Mass Public Shooting Database, 1982–2019 <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>. The other 16 shooters used some combination of handguns, shotguns, and rifles.

²¹*Id.*

²²Consider, for example, that just weeks after the shooter at Marjory Stoneman Douglas High School in Parkland, Florida, killed 17 people over the span of six minutes with a semi-automatic rifle, a shooter at Santa Fe High School, in Santa Fe, Texas, was able to kill 10 people in under four minutes with a shotgun and revolver. See *Unprepared and Overwhelmed*, SUN SENTINEL (Dec. 28, 2018), <https://projects.sun-sentinel.com/2018/sfl-parkland-school-shooting-critical-moments/#nt=of09a-2gp1>; Jack Healy and Manny Fernandez, *Police Confronted Texas School Gunman Within 4 Minutes, Sheriff Says*, N.Y. TIMES (May 21, 2018), <https://www.nytimes.com/2018/05/21/us/santa-fe-officer-wounded-john-barnes.html>.

²³The shooter used a .22 caliber Walther P22 and a 9mm Glock 10. TriData Division, MASS SHOOTINGS AT VIRGINIA TECH: ADDENDUM TO THE REPORT OF THE REVIEW PANEL, AT 30–A (Nov. 2009), <https://scholar.lib.vt.edu/prevail/docs/April16ReportRev20091204.pdf>.

²⁴See Thomas C. Hayes, *Gunman Kills 22 and Himself in Texas Cafeteria*, N.Y. TIMES (Oct. 17, 1991), <https://www.nytimes.com/1991/10/17/us/gunman-kills-22-and-himself-in-texas-cafeteria.html>; Paula Chin, *A Texas Massacre*, *People Magazine* (Nov. 4, 1991), <https://people.com/archive/a-texas-massacre-vol-36-no-17/>.

fraction of a percent of all gun deaths every year.²⁵ This is not to minimize the devastating impact such events can have on the families and communities impacted by them, and these acts certainly affect important public perceptions of overall safety from gun-related violence. It is, rather, to give important perspective to a policy proposal that, even if perfectly implemented without any risk of shooters substituting other firearms, would have a statistically insignificant impact on gun violence rates in this country.

III. Semi-Automatic Rifles are Commonly Owned by Law-Abiding Citizens and Have Legitimate Civilian Functions

While it is difficult to determine the exact number of semi-automatic “assault weapons” owned by civilians in the United States, recent estimates for the total national stock of “modern sporting rifles” reach as high as 16 million.²⁶ Regardless of whether the number of civilian-owned semiautomatic sporting rifles is, in fact, 16 million or in the lower part of the estimated range of several million, it is difficult to argue that an item owned by millions of Americans is “uncommon.”²⁷

Over the last several decades, there has been a concerted effort by gun control activists to characterize certain semi-automatic rifles as “weapons of war” that have “no business on our streets.” Ostensibly, this is to create the impression that the cosmetic features associated with firearms like the AR-15 serve no legitimate civilian purpose, and render a firearm objectively inappropriate for lawful uses like hunting, recreational target shooting, or self-defense. On its face, this is an absurd premise. As noted above, the cosmetic features distinguishing “assault weapons” from “non-assault weapons” do not change the lethality or mechanical operation of a firearm, but rather make the firearm safer and easier to operate in lawful contexts. Moreover, the simple market reality is that millions of law-abiding Americans continue to buy these firearms precisely because they use them literally countless numbers of times every year for a variety of lawful activities.

In stark contrast to assertions that semi-automatic rifles are not defensive weapons fit for use against threats faced by civilians, law enforcement agencies around the country have long insisted just the opposite—that these types of firearms are actually necessary for confronting some types of civilian threats. In the United States, law enforcement agencies serve an entirely defensive and reactive function. Police officers are called upon, not to conduct offensive war or engage in military battles, but to protect and defend against threats made in a civilian context. Police departments routinely issue semi-automatic rifles to their officers precisely because these rifles are useful against the very same criminals initially faced by the innocent citizens who called the police in the first place.

Moreover, federal law enforcement agencies refer to even select-fire AR-15 style rifles as “personal defense weapons.” This is not a new designation by a gun-friendly Republican Administration, but rather a designation routinely utilized by federal agencies under President Obama. For example, in 2012, the Department of Homeland Security opened up a bidding process to find contractors who would arm federal law enforcement agents with “personal defense weapons.”²⁸ The specifications for these explicitly defensive weapons included features that if used by a civilian would, in the eyes of ardent gun control advocates, magically turn the firearm from a defensive weapon into an “assault weapon”—they were to be chambered in 5.56×45 mm NATO²⁹ and equipped with a collapsible buttstock, a pistol grip, a

²⁵ See Appendix A (breaking down the number of annual gun deaths attributable to mass public shootings and analyzing those numbers as a percent of total firearm deaths every year).

²⁶ *National Shooting Sports Foundation, 1990–2016, Estimated U.S. Firearm Production of Semi-Automatic Rifles*, GUNS.COM, <https://news.guns.com/wp-content/uploads/2018/09/NSSF-MSR-Production-Estimates-2017.pdf>.

²⁷ For context, in 2015, the United States had only 8.6 million registered motorcycles, accounting for roughly 3 percent of all registered vehicles, roughly on par with estimates of both the total number of semi-automatic “assault weapon” rifles and the percentage of these rifles compared to the total national gunstock. See NATIONAL CENTER FOR STATISTICS AND ANALYSIS, TRAFFIC SAFETY FACTS: MOTORCYCLES, at 2 (updated March 2017), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812353>. While motorcycles, like AR-15s, are not “household items,” few would argue that motorcycles are “uncommon” among lawful drivers in any meaningful sense of the term.

²⁸ *Personal Defense Weapons Solicitation*, Department of Homeland Security HSCEMS-12-R-00011 (June 2, 2012), https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=d791b6aa0fa9d3d8833b2efa08300033&_cview=0.

²⁹ 5.56 × 45 mm NATO is a common round for semi-automatic rifles, including the AR-15.

Picattiny rail for mounting sights and accessories, and “standard” 30-round magazine.³⁰

It is little wonder, then, that many law-abiding citizens also rely on semi-automatic rifles as their own personal defense weapons, particularly in situations where law enforcement cannot protect them. Far from needing to be better protected from these rifles, law-abiding Americans benefit when they are allowed to defend themselves with them. Just last week, a homeowner in Rockdale County, Georgia, relied on his semi-automatic “assault weapon” to defend himself against three masked teens who used at least one handgun to try to rob him and other residents in their own front yard.³¹ In other words, this “assault weapon” was used defensively to protect innocent people against assault, while the perpetrators used a handgun “offensively” to actually commit assault. This successful defensive use of AR–15 style rifles is not an anomaly, but a recurrent theme in civilian defensive gun uses, particularly in home invasion scenarios or where an individual is outnumbered by attackers.³²

Beyond home invasions, some of the most famous examples of the civilian use of semi-automatic rifles come from scenarios where the government has been either unable or unwilling to defend entire communities from large-scale civil unrest. In 1992 during the L.A. riots, store owners in Koreatown found themselves at the mercy of hundreds of looters intent on ransacking and burning their businesses. For days, law enforcement was nowhere to be found, and the Koreatown storeowners took it upon themselves to defend their livelihoods from lawlessness. The Los Angeles Times, among others, recounted the story of Richard Rhee, one of many shop owners who barricaded their stores with employees and defended their inalienable rights to life, liberty, and property³³ through the use of all manner of firearms, including fully automatic rifles.³⁴ Similarly, during the civil unrest in Ferguson, Missouri, in 2014, Reuters reported on several African American men who stood armed with various semi-automatic rifles outside the gas station of a White friend, successfully protecting his business from looters and rioters.³⁵

IV. Conclusion

Nothing in the data about gun violence in the United States or the technical aspects of semi-automatic firearms supports a policy of stripping law-abiding gun owners of rifles that are often used for lawful purposes and rarely used to commit crimes. There are, unfortunately, many Americans who will conclude that I do not care about protecting innocent life and that I harbor a callous disregard for those affected by mass shootings.

³⁰Part I—The Schedule, section C—Description/Specifications/Statement of Work, HSCEMS–12–R–00011, https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=d791b6aa0fd9d3d8833b2efa08300033&_cview=0.

³¹See Guy Benson, *Self Preservation: Homeowner Defends Himself Against Trio of Armed Robbers Using “Assault Weapon.”*, TOWNHALL (Sept. 19, 2019), <https://townhall.com/tipsheet/guybenson/2019/09/19/self-preservation-homeowner-defends-himself-against-trio-of-armed-robbers-using-assault-weapon-n2553238>.

³²See, e.g., Austin L. Miller, *Summerfield Homeowner Injured, Kills 2 Intruders With AR–15*, OCALA STARBANNER (Updated July 12, 2019), <https://www.ocala.com/news/20190711/summerfield-homeowner-injured-kills-2-intruders-with-ar-15; Police: Tallahassee Homeowner Shot 2 Out of 4 Home Invasion Suspects, All 4 Charged>, WTXL TALLAHASSEE (Updated May 24, 2019), <https://www.wtxl.com/news/local-news/tpd-investigating-home-invasion-robbery; Rob Shikina, Victim Fires AR–15 at Suspects in Haiku Home Invasion Robbery, Maui Police Say>, STAR ADVERTISER (July 21, 2018), <https://www.staradvertiser.com/2018/07/21/breaking-news/victim-fires-ar-15-at-suspects-in-haiku-home-invasion-robbery-maui-police-say/>; Allison Sylte, *Retired Officer Used 2 AR–15s to Stop Man Accused of Firing at Random People*, NEWS.COM9 (July 9, 2018), <https://www.9news.com/article/news/crime/retired-officer-used-2-ar-15s-to-stop-man-accused-of-firing-at-random-people/572102809; Garrett Pelican, 5 Charged in Baker County Home Invasion Turned Deadly Shootout>, NEWS 4 JACKSONVILLE (Apr. 16, 2018), <https://www.news4jax.com/news/5-arrested-after-florida-home-invasion-ends-deadly-shootout; Shannon Antinori, AR–15–Weilding Neighbor Speaks Out, 2 Charged in Stabbing>, PATCH.COM (Updated Mar. 2, 2018), <https://patch.com/illinois/oswego/ar-15-threat-used-stop-knife-attack-sheriff; Homeowner’s Son Kills Three Would-Be Burglars With AR–15>, N.Y. POST (Mar. 28, 2017), <https://nypost.com/2017/03/28/homeowners-son-kills-three-would-be-burglars-with-ar-15/>.

³³While the Declaration of Independence references “life, liberty, and the pursuit of happiness,” the Framers believed that the rights to “liberty” and “property” could not be separated, as one cannot exist without the other. See Paul J. Larkin, Jr., *The Original Understanding of “Property” In the Constitution*, 100 MARQ. L. REV. 1 (2016).

³⁴See Ashley Dunn, *King Case Aftermath: A City in Crisis*, L.A. TIMES (May 2, 1992), <https://www.latimes.com/archives/la-xpm-1992-05-02-mn-1281-story.html>.

³⁵See Emily Flitter, *In Ferguson, Black Residents Stand Guard At White-Owned Store*, REUTERS (Nov. 26, 2014), <https://www.reuters.com/article/us-usa-missouri-shooting-gasstation/ferguson-black-residents-stand-guard-at-white-owned-store-idUSKCN0JA1XF20141126>.

While it is certainly the case that I believe public policy should be based on an accurate assessment of reality, a defense of semi-automatic rifles is more than an exercise in data and technical functions. At the end of the day, this about my mother.

My mother did not grow up with firearms. In fact, she had never handled a firearm until I took her to the gun range for the first time. Like every other novice, my mother was terrible with a handgun, and struggled to hit a stationary target from just a few yards away. But when she picked up an AR-15 for the first time, she put a fist-sized grouping of lead in the center of that target from 20 yards out.

Now, I pray that my mother is never confronted with a situation where she is compelled to point a firearm at another human being, much less pull the trigger. I would infinitely prefer to live a world where I never have to consider the possibility that someone would threaten her life or the lives of those around her.

But I study gun violence every day. Even though violent crime rates are dropping, as a policy analyst I am acutely aware that Americans use their firearms in defense of themselves or others between 500,000 and 2 million times every year. That is not some number range I made up as a conservative talking point, but one which in 2013, the Centers for Disease Control and Prevention confirmed has been found by almost every major study on the issue.³⁶

Over the past few months, I have drafted several articles on defensive gun uses by ordinary Americans. I have been struck time and time again by the number of mothers just like mine, who are confronted on otherwise ordinary days by extraordinary threats. They do not live in gated communities. They cannot afford private security. They do not receive police details. They do not have the luxury of waiting for law enforcement to arrive. To them, the ability to defend themselves with a firearm they can trust themselves to handle comfortably, to fire accurately, and to stop the threat in its tracks is not a statistical exercise.

God forbid that my mother is ever faced with a scenario where she must stop a threat to her life. But if she is, I hope she has a so-called “assault weapon” to end that threat.

³⁶INST. OF MEDICINE & NAT'L. RESEARCH COUNCIL, PRIORITIES FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE 15 (Alan I. Leshner, Bruce M. Altevogt, Arlene F. Lee, Margaret A. McCoy, and Patrick W. Kelley, eds. 2013), <https://www.nap.edu/read/18319/chapter/3>.

APPENDIX A

Year	Total Gun Deaths ⁺	Total Mass Public Shooting Deaths ⁺⁺	MPS Deaths as Percentage of Total Gun Deaths
2017	39,773	117*	0.294
2016	38,658	71	0.184
2015	36,247	46	0.127
2014	33,594	18	0.057
2013	33,635	35	0.104
2012	33,563	71	0.212
2011	32,351	19	0.059
2010	31,672	9	0.028

* The 2017 death toll for mass public shootings was significantly above average due to one statistical outlier incident—the October 1, 2017 shooting in Las Vegas, Nevada, which claimed 58 lives. This single outlier accounted for nearly one-half all mass public shooting deaths that year.

⁺ Data from National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) (last visited Sept. 22, 2019) www.cdc.gov/injury/wisqars.

⁺⁺ Data from Mother Jones Mass Public Shooting Database, 1982–2019 <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>.

Appendix B*

Year	Total Firearm Deaths	Total Handgun Deaths	Total Rifle Deaths	Total Shotgun Deaths	Total Other Firearm Deaths	Total Unidentified Firearm Deaths	Total Percent of Firearm Deaths Caused by Rifles
2017	10,982	7,032	403	264	187	3,096	3.7%
2016	11,138	7,204	378	261	187	3,108	3.4%
2015	9,778	6,569	258	272	177	2,502	2.6%
2014	8,312	5,673	258	264	93	2,024	3.1%
2013	8,454	5,782	285	308	123	1,956	3.4%
2012	8,897	6,404	298	310	116	1,769	3.3%
2011	8,653	6,251	332	362	97	1,611	3.8%
2010	8,874	6,115	367	366	93	1,933	4.1%
2009	9,199	6,501	351	423	96	1,828	3.8%

* Data from Federal Bureau of Investigation, *Crime in the United States 2017, Expanded Homicide Data Table 8*, FEDERAL BUREAU OF INVESTIGATION: UNIFORM CRIME REPORTS (Last Reviewed Sept. 23, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls>; Federal Bureau of Investigation, *Crime in the United States 2013, Expanded Homicide Data Table 8*, FEDERAL BUREAU OF INVESTIGATION: UNIFORM CRIME REPORTS (Last Reviewed Sept. 23, 2019), https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide/expanded_homicide_data_table_8_murder_victims_by_weapon_2009-2013.xls.

Chair NADLER. Thank you. Ms. Muller?

TESTIMONY OF DIANNA MULLER

Ms. MULLER. Thank you, Chair Nadler and Ranking Member Collins—I'll acknowledge him even though he's not here—and Committee Members. My name is Dianna Muller, and I'm an ordinary American, one who has had different life experiences that bring me here today as a dissenter of any gun control laws, including the assault weapons ban.

After 22 years as a police officer with assignments that included patrols, street crimes, gangs, and narcotics, I retired to focus on a second career as a professional shooter, and I've had the honor to represent our country on an international stage. Four years ago I came to this town as a tourist, and during a haphazard meeting with my congressman, I asked if there was there anything I should be doing to dispel the information about guns and gun owners that running rampant on Capitol Hill.

From there, the DC Project was born, an educational and non-partisan effort of 50 women, one from every State, meeting their legislators as gun owners and Second amendment supporters. We are as diverse as any cross-section of America. Many of our women, like victims of these mass public murders, have endured unspeakable violence themselves or lost loved ones. Their stories are similar to Kate Nixon's. It was reported that Kate knew her co-worker was unstable and felt that he would shoot up the place. Her husband encouraged her to take a pistol to work, but she didn't want to break the rules. She followed the policy that was supposed to keep her safe, a gun-free zone, and she was murdered the next day in the Virginia Beach tragedy.

These laws and policies are taking away a woman's right to choose. Gun rights are women's rights. That's why I'm honored to be here today to be a voice for the millions of American women who share my ideology, but are not represented in mainstream media or squelched on social media. As a woman, I'm likely smaller and less equipped for violence than an attacker or if I'm outnumbered by people who may do me harm. My firearm is the great equalizer and levels the playing field.

I married late in life, and I spent the majority of my adult life sleeping by myself. There were so many nights that there were bumps in the night, and I'm sure it's happened to you guys, but I had peace because I have a firearm by my side, specifically an AR-15. I own and carry firearms not to take a life, but to protect a life. I am worth protecting. My family is worth protecting.

So why does anybody need an AR-15? Let me explain it in shoes. You wouldn't run a marathon in dress shoes, and you wouldn't go to a formal ball in sneakers. Similarly, each of my firearms have a specific purpose. The AR-15 just falls in the category of that really comfortable dressy shoe that gets called on many occasions. It's my go-to for home defense and vehicle gun. As a competitor, I've turned a hobby into a living, and my husband hunts with an AR.

The AR-15 platform is the most popular general-purpose rifle because it's the most versatile and most customizable. Freedom doesn't ask why the need. To quote William Pitt the Younger, "Ne-

cessity is the plea for every infringement on human freedom. It the argument of tyrants. It is the creed of slaves.”

For 22 years, I enforced the law you created, and I had a front-row seat to the justice system. It’s frustrating to see the revolving door where prosecutors reduce or drop charges and judges give minimal sentencing. I find it ironic in today’s effort of criminal justice reform that you are taking steps to be lenient on people who have actually committed crimes against laws you’ve already created, while at the same time proposing more laws that turn ordinary law-abiding citizens, like myself, into criminals. How about holding the people accountable for the laws that are already on the books before we pass any further legislation that would only be a burden on the law-abiding? If these laws were the answer, Chicago, Baltimore, L.A., and even this city would be the safest city in America.

The firearms community is #doingsomething. We are leading the way on meaningful safety measures. I implore you, work with us instead of demonizing us. Law-abiding American gun owners are not the enemy. Help our community promote programs, like Project ChildSafe, Eddie Eagle, and the Kids Safe Foundation that teaches kids about firearm safety. FASTER Saves Lives and School Shield are school security programs and Walk the Talk America is a suicide prevention program. These are initiatives that are being driven by the firearms industry.

If you really want to make a difference in gun-related deaths, get behind these programs and fund them because we believe one life unjustifiably taken is one life too many. Let’s put firearms education back in schools and start protecting our kids like we protect the people in this building. Education over legislation. Thank you for your time to speak. Thank you for the opportunity and thank you for your time and service.

[The statement of Ms. Muller follows:]

STATEMENT OF DIANNA MULLER

Thank you, Chair Nadler and Ranking Member Collins and Committee Members, I am an ordinary American—one who has had different life experiences that bring me here today as a dissenter to any additional gun control laws, including the so-called Assault Weapon Ban.

After 22 years of service as a police officer with assignments that included patrol, street crimes, gangs, and narcotics, I retired to focus on a second career as a professional competition shooter. I am a world and national champion and have had the honor of representing this country on an international stage. I’m also an accidental advocate. Four years ago, I came to Washington, DC as a tourist, and during a chance meeting with my congressman, I asked if there was anything I, as a professional shooter, should do to dispel the misinformation about guns and gun owners. From there, the DC Project was born. It is a nonpartisan, educational effort of women, one from every state, who meet with their legislators as gun owners and Second amendment supporters, to be a resource and voice for lawful gun owners.

I sit before you today honored to speak on behalf of those women—mothers, daughters, young and old, black, white, Latino and Asian, hunters and competitors, transgender and straight, #metoo and #notme, on the political left and right. We are as diverse as any cross section of America. To list a few among our ranks:

- Lara Smith, from California is a staunch Democrat and the National Spokesperson for the Liberal Gun Club and understands that the Second Amendment is a constitutional, not a partisan, issue;
- Mia Farinelli, from Virginia, is a 15-year-old 3-gun competitive shooter that stands 5’4”, weighs 90 pounds; an honor roll student that speaks two languages and is learning a third;

- Robyn Sandoval, from Texas, is left-leaning, reformed anti-gun mom who now heads up A Girl and a Gun, a nationwide women's shooting club;
- Gina Roberts, from California, is a transgender woman who knows the Second Amendment is for everyone;
- Corinne Mosher, from Kansas, is a concert violinist turned tactical firearms instructor and takes keeping her family safe seriously;
- Amanda Johnson, from Virginia, was raped at gun point on a gun-free campus, yards from the police station; even though she had a concealed carry license, she left it at home because she wanted to follow the rules. Her attacker went on to rape and kill his next victim. Amanda is confident she could have made a difference in both of their outcomes if she had not been disarmed.
- Lucretia Hughes, from Georgia, is a African American who strongly advocates for the 2nd Amendment, in part, because she lost her son to gang violence when a felon used an illegally obtained gun to shoot him in the head;
- Gabby Franco, from Texas, is a mom and a naturalized citizen from Venezuela who has seen the effects of gun control in her native country;
- Kristi McMains, from Indiana, vigorously fought off a stranger's attack in a parking garage for several minutes before getting to her gun and shooting the assailant. She fought so hard she broke all ten nails, had fibers in her teeth from his gloves, and broken ribs;
- Melissa Schuster, from Illinois, was brutally beaten, stabbed and raped in a stranger home invasion;
- Shayna Lopez Rivas, from Florida, was raped at knifepoint on a gun free campus and only learned how to shoot afterwards, but now advocates for campus carry;
- Nikki Goesser, from Tennessee, husband was shot and killed by her stalker in a gun-free zone, while her permitted firearm remained in her vehicle, like the good, law abiding citizen she is.

Every DC Project member has a story and many of these women, like the victims of the recent mass murders, have endured unspeakable violence themselves or lost loved ones. Their stories are similar to that of Kate Nixon. According to reports, Kate knew her co-worker was unstable and felt he would "shoot the place up." Her husband encouraged her to take a pistol to work, but she didn't want to break the rules. She followed the policy that was supposed to keep her safe, a gun free zone. Kate went to work the next day and was killed in the Virginia Beach tragedy. These laws and policies take away a woman's right to choose. Gun rights are women's rights! That's why I'm honored to be here, to be a voice for the millions of women who share my beliefs, but are not represented in mainstream media or are squelched on social media.

As an instructor, I've had the honor of introducing many people, especially women, to firearms training. I notice many women go through amazing transformations. Their self-confidence is palatable. I had one woman who was terrified at the beginning of class and at the end. She looked me in the eye, took a hold of my arms and said, "You have changed my life. I am a different person." I see it time and time again how a little education can go a long way!

Why does anyone need an AR-15? Let me explain it in shoes. You wouldn't run a marathon dress shoes and you wouldn't go to a formal ball in sneakers. Similarly, each of my firearms have a specific purpose. The AR-15 falls into a category of a really comfortable, dressy flat that gets called on for many occasions. It's my go-to for a home defense and vehicle gun. As a competitor, I've turned a hobby into a living. My husband hunts with his AR platform. The AR platform is the most popular general-purpose rifle because it's the most versatile and customizable, and freedom doesn't ask "why the need." To quote William Pitt the Younger, "Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

Please allow me to address some of the basics about firearms. I've been hearing the phrases like "assault weapon" and "weapon of war" in reference to the AR-15. The "AR" stands for Armalite Rifle, the name of the original manufacturer, NOT assault rifle. You may hear it referred to as a modern sporting rifle. As far as a "weapon of war," let me remind you that every firearm can be lethal. The only difference is in the intent of the operator. This common misconception about the most popular rifle in America is one of the reasons I started the DC Project, to promote education over legislation. Each year, we invite Members and staffers to the range and each of you have access to training from professional shooters like myself. While I fully appreciate you listening to me today, you could get a better appreciation of the importance our community places on and the safe handling and operation of firearms if you were to come to the range.

As a police officer, I enforced the laws you created and I had a front row seat to the justice system. It's frustrating to see the revolving door where prosecutors reduce or drop charges and judges give minimal sentencing. I find it ironic in today's effort of criminal justice reform that you are taking steps to be lenient on people who have actually committed crimes AGAINST LAWS YOU CREATED, while at the same time you are proposing more laws, like the Assault Weapons Ban of 2019, that turn ordinary, law-abiding citizens into criminals. I submit that we work on holding people accountable for the laws that are already on the books before we pass any further legislation, that would only be a burden on the law-abiding. If these laws were the answer, Chicago, Baltimore, LA, and even this city, would be the safest cities in America.

If we learn anything from the Parkland tragedy, it is the repeated failure of government, laws, and policy. Students "saw something and said something" to school Administration; law enforcement responded to the shooter's residence more than 30 times, with no action taken. The ultimate failure in Parkland was from the responding officers that fateful day. They remained outside while students were continuing to be murdered inside. Parkland reminds us that law enforcement has no constitutional duty to protect.

If you ask what would have stopped the Parkland shooter, it's the same answer as in every shooting: Being confronted with equal force. During my years serving the citizens of my community, I responded to countless calls for help. If you have ever called 911, you know it can feel like a lifetime for them to answer, let alone how long it takes for help to arrive. I don't wish for anyone to be defenseless, so I encourage people to seek training, at least unarmed, situational awareness and "stop the bleed" training all the way up to firearms training, if they choose. Prepare to be your own first responder.

Ordinary citizens are safer when they have the tools to defend themselves and their families, and that includes the AR-15. As a woman, I'm likely smaller and less equipped for violence than an attacker or if I'm outnumbered by people who may do me harm, my firearm is the great equalizer and levels the playing field. I married late in life and for most of my adult life, I lived on my own. There were so many times I heard a bump in the middle of the night, but I had a peace about having an AR-15 by my side. I own and carry firearms not to take a life, but to protect a life. I am worth protecting. My family is worth protecting.

American gun owners recognize that we are up against a very well-organized, well-funded effort, assisted by the mainstream media, masterfully crafting campaigns to demonize guns and gun owners, and disarm our citizenry. From politicians, mainstream media and our schools using their megaphones to paint gun owners as "deplorables" or "domestic terrorists" to now discriminating against gun owners. According to the FBI, more deaths occur from hammers and blunt objects each year than from all rifles combined. Common sense tells us that banning "assault rifles" will not stop the problem of mass murders. Common sense tells me that if you succeed in banning this gun, you will go after the next gun when the next tragedy happens. My own experience with prior Assault Weapons Ban was it was ineffective. I saw zero impact on the streets and the FBI statistics confirmed it.

If you are intellectually honest you would look at civilian defensive uses of firearms, which according to the government's own CDC data estimates over one million times per year. Aren't those lives SAVED worth as much as the lives that have been taken by criminal homicide? Any ban on firearms will inhibit a citizen's ability to protect themselves and their families and their homes. Can you understand my hesitancy to support any laws that are designed to restrict or infringe on my God-given rights? The Constitution guarantees the government will not infringe on the right to keep and bear arms.

Each of you is actually pro-gun. Everyday in this very building, you are surrounded and protected by men and women with firearms; some of you just are against me and others having firearms. What about ordinary Americans who don't have the luxury of having someone else carry guns for us to protect us?

As a professional shooter, I've come to truly respect "gun" folks. They are the "good guys," and they are the firearm safety experts. Although we're an extremely diverse group, racially, politically, and socioeconomically, our foremost priority as "gun" people is ALWAYS safety through education. Education is vital when it comes to guns and keeping people, including children, safe. When I began shooting competitively 10 years ago, I was good at shooting, but what I really fell in love with were the people. Rest assured, if you put a picture or video on social media that is even remotely unsafe, you be hounded by our community! Our kids excel in education and are mature beyond their years, like I mentioned with Mia Farinelli. When I hear my community called 'domestic terrorists', it's incongruent with what I know to be true.

The firearms community IS leading the way in meaningful safety measures. We are addressing violence. I implore you, please work WITH us instead of demonizing us. Rather than attacking me because I belong to an organization that is founded on the principles of education and safety, look to me as an expert in my field. I am NOT the enemy. Millions of law-abiding American gun owners are NOT the enemy. Please HELP our community promote Project ChildSafe, Eddie Eagle, or the Kid Safe Foundation to teach kids about firearm safety; "FASTER Saves Lives" or "School Shield," school security programs; and "alk the Talk America," a suicide prevention program. If you really want to make a difference in gun-related deaths, get behind these programs and FUND them. Because we believe ONE life unjustifiably taken is one too many. Let's put firearms education back in schools and start protecting our kids like we protect the people in this building! Education over legislation.

Thank you for the opportunity to speak and thank you for your time and service.

Chair NADLER. Thank you. Mr. Chipman.

TESTIMONY OF DAVID CHIPMAN

Mr. CHIPMAN. Good morning, Chair, Members of the committee. Thank you for letting me testify today. My name is David Chipman, and I am the senior policy adviser at Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords. I am a gun owner, and I served as special agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives for 25 years.

Throughout my ATF career, I served on the front lines of our government's efforts to prevent violent crime and effectively regulate the firearms industry. I worked to disrupt firearms trafficking conspiracies along the iron pipeline, served on ATF SWAT team, and later was the special agent in charge of the Agency's firearms programs. My time as a Federal law enforcement officer taught me that although all weapons can be dangerous in the wrong hands, some weapons are particularly lethal and should be more strictly regulated.

Our Nation's current gun violence crisis has made two things very clear. One, it is far too easy for violent people to get their hands on deadly weapons, and two, the American people overwhelmingly want Congress to Act now to make their communities safer.

Assault weapons are a class of semi-automatic firearms originally intended for military use, designed to kill people quickly and efficiently. These weapons are often the weapon of choice for mass shooters. Assault weapons, like the semi-automatic AR-15, I used on ATF SWAT team are configured so that a shooter can fire accurately and rapidly. Most importantly, they can accept detachable magazines. There is virtually no limit to the possible size of a magazine. This enables the shooter to continue firing as many as 100 rounds without having to stop and reload, maximizing the casualties in a shooting. Absent the ability to fire automatically, these weapons are identical to those used by the military.

The public and many lawmakers, including many on this committee, have called for a renewal of the 90s era assault weapons ban. As an ATF special agent charged with enforcing that law, I can say with confidence that there were both benefits and limitations. The 1994 Act had a positive effect on public safety. Research indicates that during the 10-year period the Federal assault weap-

ons ban was in effect, mass shooting fatalities were 70 percent less likely to occur compared to the periods before and after the ban.

The 1994 Act suffered from notable limitations. The law did not regulate the transfer or possession of assault weapons manufactured before the law's effective date. Manufacturers took advantage of this loophole by boosting production of assault weapons in the months leading up to the ban. Consequently, while the law was in place, assault weapons were regularly resold through private transactions, undermining its effectiveness. However, we rarely saw the kinds of mass shooting we're seeing today.

Since the assault weapon ban expired in 2004, the gun industry has continued to design and sell more dangerous weapons. For instance, during the 1990s, assault pistols, like the TEC-9, fired 9-millimeter handgun rounds. Modern AR and AK pistols, like the weapon used in Dayton and earlier this year to kill a Milwaukee police officer, fire rifle rounds. We currently do not have a reliable count of how many assault weapons are in circulation. Estimates are in the tens of millions.

If our goal is to balance the rights of responsible law-abiding gun owners and the urgent need to keep particularly dangerous weapons out of the hands of criminals, simply reinstating the 90s era ban on assault weapons is not enough. One option would be to require the registration of all existing assault weapons in civilian hands under the National Firearms Act, while banning the future manufacture and sale of these firearms.

The NFA was enacted in response to violent gun crimes and the death of law enforcement officers during the 1930s. The NFA imposes an excise tax and registration requirement to possess certain weapons, including silencers, sawed-off shotguns, short-barreled rifles, machine guns, and other particularly dangerous firearms. To possess one of these weapons, applicants must pass a background check, provide fingerprints and a photo, pay a \$200 transfer tax, and register their NFA weapon with ATF. Using the NFA to address assault weapons would use an existing and effective regulatory structure that allows lawful ownership, while also addressing the public safety concerns.

For more than 80 years, this regulatory system has worked effectively. Legally owned NFA weapons are rarely used in crime. I have built my career around the belief that it is possible to balance rights and responsibilities. I have stood in the face of danger to protect public safety carrying an assault weapon. It is simply unacceptable that military-style and high-powered weapons are so readily available to civilians today, and that they increasingly lead to loss of innocent lives. We can and should take action to make our communities safer.

Thank you for considering my testimony today, and I look forward to your questions.

[The statement of Mr. Chipman follows:]

STATEMENT OF DAVID H. CHIPMAN

Good morning, Chair Nadler, Ranking Member Collins, and Members of the Committee, thank you for the opportunity to testify today. My name is David Chipman, and I am the Senior Policy Advisor at Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords. I am a gun owner and

a former special agent at the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for 25 years.

Throughout my career, I served on the front lines of our government's efforts to prevent violent crime and effectively regulate the firearms industry, the core missions of ATF. During my time at ATF, I worked to disrupt firearms trafficking conspiracies along the Iron Pipeline, served on ATF's SWAT team, and later served as the Special Agent in Charge of the agency's firearms programs. My time as a federal law enforcement officer taught me that although all weapons can be dangerous in the wrong hands, some weapons are particularly lethal and should be more strictly regulated.

Why? Because gun violence has become a public safety crisis: approximately 36,000 people in this country are fatally shot each year, and another 100,000 are shot and wounded. In 2017, gun deaths reached their highest level in at least four decades. Gun violence claims nearly 100 lives and injures almost 300 more every single day.

Our nation's gun violence crisis at this moment in time has made two things very clear. One, it is far too easy for violent people to get their hands on deadly weapons and harm others. Two, the American people-overwhelmingly-want Congress to Act now to make their communities safer.

There is absolutely nothing controversial about acknowledging that some people simply shouldn't have guns. The Gun Control Act of 1968 established that certain categories of people—including convicted felons, domestic abusers, and other dangerous individuals—are not allowed to possess or purchase guns. The Brady Act created the National Instant Criminal Background Check System (NICS) and requires federally licensed gun dealers to conduct background checks to ensure that prohibited people are not able to buy guns.

As an ATF agent, I often heard calls that I should focus on enforcing the laws on the books. As a gun violence prevention advocate, I hear those same calls today. The truth is that there are loopholes in federal law that undermine public safety, and those loopholes need to be closed. Simply put, there is more that we can, and must, do to regulate particularly dangerous weapons.

Assault weapons are a class of semi-automatic firearms, originally intended for military and law enforcement use, designed to kill people quickly and efficiently. As a result, these weapons are often the weapon of choice for mass shooters. A review of mass shootings between 2009 and 2015 found that incidents where assault weapons or large capacity ammunition magazines were used resulted in 155% more people shot and 47% more people killed compared to other incidents.¹

Over the past few years, there has been a noticeable common thread connecting many of the most horrific shootings: San Bernardino, Orlando, Las Vegas, Sutherland Springs, Parkland, El Paso, Dayton, and Odessa. These shootings took place in different corners of the United States, the perpetrators had different motivations, but the firearm ties them together.

When I began working at ATF, assault weapons were rarely used in crime. Nevertheless, I became familiar with them because as trained law enforcement officials, we used assault rifles like the AR-15 and the H&K MP-5 in SWAT operations.

Assault weapons, including AR-15s and AK-47 rifles, are configured so that a shooter can fire rapidly. Most importantly, they can accept detachable magazines. The magazine is the part of the weapon that holds ammunition and feeds into the gun when the trigger is pulled. There is virtually no limit to the possible size of a magazine. This enables the shooter to continue firing as many as 100 rounds without having to stop and reload, maximizing the casualties in a shooting.

Absent the ability to fire automatically, these weapons are identical to those used by the military. Military weapons are selective fire, meaning that the user can easily switch between automatic, three-round burst and semi-automatic mode. The military included the option to fire in automatic mode and burst mode meaning the gun will fire more than a single round when the trigger is pulled—because military combat in extreme conditions sometimes requires use of automatic fire. Shooting in semi-automatic mode—meaning that with one pull of the trigger, one shot is fired—is most accurate and hence typically more lethal. Civilian versions of these weapons are semi-automatic only. However, they are configured in the same manner with the same purpose: To allow a shooter to maintain control over the weapon without having to stop to reload or reacquire a target.

Particularly after the tragedies and violence of the past few months, the public and many lawmakers, including many on this committee, have called for a renewal of the 90s-era assault weapons ban. As an ATF Special Agent charged with enforce-

¹“Mass Shootings in the United States: 2009–2017,” *Everytown for Gun Safety*. 6 December 2018. <https://everytownresearch.org/reports/mass-shootings-analysis/>.

ing that ban, I can say with confidence that there were both benefits and limitations to the ban. The 1994 Act does seem to have had a positive effect on public safety: research indicates that during the 10-year period the federal assault weapons ban was in effect, mass shooting fatalities were 70% less likely to occur compared to the periods before and after the ban.²

I was a young agent when the law went into effect in 1994. Many Members of law enforcement at that time were shocked by exemptions in the law. I was familiar with an incident that occurred in Miami in 1986: Two FBI agents were killed in a shootout with two bank robbers who used a Ruger Mini-14 rifle. In that incident, the FBI was outgunned, and as a result, the FBI upgraded its weapons. Yet, when the assault weapons ban went into effect in 1994, the Ruger Mini-14—a particularly lethal semi-automatic rifle capable of accepting a detachable magazine—was expressly exempted.

The 1994 Act suffered from some other notable limitations. Most importantly, the law did not regulate the transfer or possession of assault weapons manufactured before the law's effective date. Manufacturers took advantage of this loophole by boosting production of assault weapons in the months leading up to the ban, creating a legal stockpile of these items. Consequently, while the law was in place, if we as law enforcement encountered an assault weapon, we were generally forced to assume it had been manufactured before the law went into effect—and therefore, it was protected. Unless a crime had been committed with the weapon, we could not arrest the person or take the weapon off the streets. As a result, the effectiveness of the assault weapons ban was not immediately apparent to us. However, we rarely saw the kinds of mass shootings we are seeing today.

The one notable exception was the Columbine school shooting in 1999. The Columbine shooters used a Tec-9 assault pistol that was banned under the assault weapons ban—but because that particular gun had been manufactured before the law went into effect, it was still on the market and legal to possess.

The assault weapons ban expired in 2004. Since that time, the gun industry has continued to design and sell more and more dangerous weapons, including AR and AK-style weapons, and increasingly lethal handguns and shotguns. In the 1990s, assault pistols like the Tec-9 fired 9mm handgun rounds. Modern AR and AK pistols, like the weapon used in Dayton and earlier this year to kill a Milwaukee cop, fire rifle rounds. Today, AR-15 rifles have been made more lethal with the addition of bump stocks and 100-round magazines that result in catastrophic mass shootings like the one in Las Vegas that we could not imagine a single shooter orchestrating just two decades ago. The gun industry's advertising for these weapons frequently shows people using them in combat-style operations to tout the military nature of these weapons.

Law enforcement is particularly concerned about handguns that have the ability to fire rifle rounds. Rifle rounds can penetrate body armor worn by patrol officers designed to protect against traditional handgun ammunition. These pistols, not unlike short-barreled rifles regulated under the National Firearms Act, are more easily concealable than rifles but mirror an assault rifle's capability to fire rounds quickly and accurately with devastating lethality.

Today, we—and most importantly, law enforcement—do not have a reliable count of how many assault weapons are in circulation. Estimates are in the tens of millions. Undoubtedly, however many exist in civilian hands today is significantly higher than the number in circulation in 1994.

If our goal is to balance the rights of responsible, law-abiding gun owners with the urgent need to keep particularly dangerous weapons out of the hands of criminals and those who seek to do harm, as I believe it is, simply reinstating the 90s-era ban on assault weapons is not enough. Instead, we should regulate a broader class of firearms, including assault weapons manufactured before the law's enactment.

One option would be to require the registration of all existing assault weapons under the National Firearms Act (NFA) while banning the future manufacture and sale of these firearms.

The NFA was enacted in response to violent gun crimes and the deaths of law enforcement officers during the 1930s. The first law of its kind, the NFA imposes an excise tax and registration requirement to possess certain weapons, including silencers, sawed-off shotguns, short-barreled rifles, machine guns, pipe bombs, and other particularly dangerous firearms. In order to possess one of these weapons, ap-

²Charles DiMaggio *et al.*, “Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-Source Data,” *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

plicants must pass a background check, provide fingerprints and a photo, pay a \$200 transfer tax, and register their NFA weapon with ATF.

Using the NFA to address assault weapons would utilize an existing and effective regulatory structure that allows law-abiding people to legally possess these firearms, while also addressing the public safety concerns of law enforcement and the American public.

For more than 80 years, this regulatory system has worked effectively: Legally owned NFA weapons are rarely used in crime.

Semi-automatic assault weapons, including semi-automatic rifles with detachable magazines, assault pistols, and assault shotguns, have been used too often in too many mass shootings to horrific ends. It is clear that the risk they pose to public safety is far beyond that posed by traditional firearms. For this reason, seven states and the District of Columbia ban them. However, the efforts of those states and DC are undermined by other states which do not have similar laws. This is where Congress comes in: We need a nationwide law that comprehensively addresses this danger to our communities, and we have no time to waste.

I have built my career around the belief that it is possible to balance rights and responsibilities. I have stood in the face of danger to protect public safety holding an assault weapon. It is simply unacceptable that military-style and high-powered weapons are so readily available to civilians today and that they increasingly lead to the loss of innocent lives. We can and should take action to make our communities safer from these weapons of war.

Thank you for considering my testimony today. I look forward to your questions.

Chair NADLER. Thank you very much. The Ranking Member, the gentleman from Georgia, has arrived, and we will hear his opening statement before we begin questioning under the 5-minute rule. The gentleman from Georgia.

Mr. COLLINS. Thank you, Mr. Chair. Thank you for your indulgence today. Thanks for holding this hearing on so-called assault weapons. Let's hope that after today's hearing we'll all have a better understanding of these types of rifles that are used in committing crimes, particularly murder. I hope we can also have an open and honest dialogue about the firearms my colleagues wish to ban. I hope we can avoid the rhetoric that has plagued this discussion for decades. Only when we are equipped with the facts can we mobilize to effectively prevent violent crime, a goal we all share.

Let's first look at the term "assault weapon" and when the term entered the American lexicon. Many attributes the invention of the term to Josh Sugarman, the boss of one of our witnesses here today. In 1988, Mr. Sugarman stated, "Assault weapons, just like armor-piercing bullets, machine guns, and plastic firearms, are a new topic. The weapon's menacing looks, coupled with the public's confusion over fully automatic machine guns versus semi-automatic assault weapons—anything that looks like a machine gun is assumed to be a machine gun—can only increase the chance of public support for restrictions on these weapons. In addition, few people can envision practical uses for these weapons."

Assault weapons, however, are not assault rifles. Assault rifles are rapid-fire magazine-fed rifles designed for military use. They are shoulder-fired weapons that allow a shooter to select between settings. Semi-automatics require the operator to pull the trigger for each shot, and fully automatic allow an operator to hold the trigger as the gun fires continuously or in three-shot bursts. As Mr. Sugarman's statement indicates, the so-called assault weapons are semi-automatic. They aren't assault rifles, and they can't be used as a full-automatic assault rifle. Semi-automatic firearms require you to pull the trigger each time for each shot, just as a pistol requires one trigger pull per shot.

Unfortunately, many in the American public and the media, and shockingly in this body, do not understand the difference. We must understand what different firearms do and how they function if we want to have effective laws to prevent gun violence. I can't imagine anyone here today would advocate for legislation that does not actually make our families safer, but that is what I fear we are headed for.

One member of this Committee has conflated the term "assault rifle and assault weapon multiple times" in dear colleague's letter seeking support for a bill banning assault weapons. And as we dive into these conversations, let's clear another popular misconception. The AR and AR-15 does not stand for "assault rifle." Rather, it stands for ArmaLite Model 15. AR-15s are not assault rifles. They are semi-automatic firearms that function similarly to hunting rifles where the operator pulls the trigger to fire each shot. The differences between these guns are largely cosmetic.

Sadly, disinformation comes from many sources. A State senator from California when speaking about an assault weapon stated, "This right here has the ability of .30"—and this is their term, not mine—"a 30-caliber clip"—it should be a "magazine"—to disperse 30 bullets in a half a second." 30 magazines to disperse in a half second. Either that is a blatant misrepresentation or an indication of shocking ignorance. Even a fully automatic military-issued M-4 cannot fire at such a rate.

Another member of the Committee stated that, "I have held an AR-15 in my hand. Wish I hadn't. It was as heavy as 10 boxes that you might be moving, and the bullet that is utilized—.50-caliber—these kinds of bullets need to be licensed and do not need to be on the street." This brief statement somehow manages to make several basic factual errors. An AR-15 weighs between 6 and 7 pounds. It fires a 2 to 3-round of ammunition. It does not fire .50-caliber ammunition. Anyone who knows or discussed this about firearms would know that it is absurd to even suggest it.

I hope that we can clear up these misconceptions in today's hearing, but my hopes are not high. However, when we have a Democratic presidential candidate say, "Hell, yes, we're going to take your AR-15," let's hope cooler and rational heads prevail here today.

Finally, let's review how these so-called assault rifles are used in crime. Some estimate and calculate the number of assault weapons in private hands at around 10 million. In 2017, according to the FBI, there were 403 murders committed with all rifles, not just those deemed to be assault weapons. By comparison, knives and cutting instruments were used in 1,591 murders. Blunt objects, clubs, hammers, bats, 467. Hands, feet were used in 696 murders. At the same time, the National Highway Traffic and Safety Administration found speeding killed 9,717 people, yet I do not see any of my colleagues advocating for the prohibition of a person's possession of a vehicle traveling more than 70 miles an hour.

My friends, if we are going to have this debate, and we should, we must be honest with each other and take the time to learn basic facts about the items we are looking to ban and the result of what that might actually incur. That is not too much to ask, and hope-

fully the witnesses here today an assist with that task. With that, I yield back.

Chair NADLER. I thank the gentleman. We will now proceed under the 5-minute Rule with questions. I will begin by recognizing myself for 5 minutes.

Ms. Rand, there are certain features that distinguish assault weapons from hunting rifles. Earlier this month, this Committee reported out a bill by Representative Deutch that would ban large-capacity magazines. During the 1994 ban, people got around the ban by various means. How should we define an assault rifle that we might want to ban in order to get around the easier adaptability of such weapons by putting on various parts or some other way?

Ms. RAND. Thank you for your question, Chair Nadler. I think the major problem with the 1994 law is that it defined an assault rifle, for example, by the ability to take a detachable ammunition magazine, which is the most important, the most-deadly feature, and then require two additional listed assault features, such as a pistol grip or a bayonet lug. Basically, what the industry did was take off one of the more superfluous factors, like a bayonet lug, but they could retain the pistol grip, which allows the shooter to have better control during rapid fire.

So, if we go to what is known as a one-characteristics test and clearly define those characteristics that define an assault weapon, and assault weapons also include assault pistols and assault shotguns, then we will be on much firmer footing.

Chair NADLER. And that would eliminate these weapons that we commonly refer to as “assault weapons” and that can cause these mass casualties.

Ms. RAND. Yes. I believe that a good definition, coupled with an effective magazine ban—you cannot overstate the importance of a magazine ban—would do the job to ban assault weapons.

Chair NADLER. Thank you. Mr. Chipman, assault weapons have become the favorite weapon for many mass murderers. These weapons are also preferred by individuals who commit crimes in our communities. What impact did the 1994 assault weapons ban have on improving public safety in general? What could we expect if we repeated that in a more effective fashion?

Mr. CHIPMAN. I think there are two things involved. First, when looking at mass shootings, we see that 70 percent less likely to be killed in a mass shooting during that period. When I was at ATF, what I did see was an impact on the availability of assault pistols, which we were seeing more daily, as a threat to everyday gun violence on the streets, things like the TEC-9. I think that what we would expect to see in the future is similar declines over time, so it enhanced public safety. It certainly didn't make the streets more dangerous, which is often the claim if we didn't have those weapons available to the public.

Chair NADLER. Thank you very much. Dr. Tovar, what does a gunshot wound from an assault weapon like compared to wound from a handgun? So, what additional challenges did you face in the aftermath of the El Paso attack?

Dr. RIOS-TOVAR. Again, according to my testimony, what I was saying is that these large-caliber cartridge bullets had serious cavitation greater than the size of my fist.

Chair NADLER. What does "cavitation" mean?

Dr. RIOS-TOVAR. That amounted to—

Chair NADLER. What does "cavitation" mean? What do you mean by that?

Dr. RIOS-TOVAR. There is an effect, not with the bullets, but also a temporary cavitation effect with the kind of like a blast effect that is internal as well. With my experience with handgun gunshot wounds, which are traveling at a lower velocity, I see that it is straight through and through and not as significant damage that can be readily identified, readily fixed in the operating room. I haven't seen anything like this before this mass shooting, and I haven't seen anything since then.

Chair NADLER. That is because of the greater velocity of an assault rifle bullet?

Dr. RIOS-TOVAR. That is my understanding, yes.

Chair NADLER. Thank you. Mayor Whaley, I commend you for your leadership in the wake of the Dayton shooting. Beyond physical injuries or death, what effect did the mass shooting have on your community?

Ms. WHALEY. Thank you, Chair. The effect has been long term, particularly for the trauma that the community is dealing with even today. Other mayors experienced this in their communities as well, like the mayor of Pittsburgh and Parkland, et cetera. Anytime another shooting happens in the country, the whole community goes through the shooting again. We have seen that already unfortunately with the Midland and Odessa shootings. We know that the mental health work that we will need to do will take years for us to really make sure that people have the services they need.

This is an area of town where young people and people of great diverse community come together. We are really concerned that they don't have, medical access to the mental health services they need, and we are trying to provide those even today.

Chair NADLER. Okay. Thank you very much. My time has expired. I recognize the Ranking Member, the gentleman from Georgia, Mr. Collins, for his questions.

Mr. COLLINS. Thank you, Mr. Chair. Ms. Muller, I have a question. I mean, just in general, what have you heard already this morning, some of the misconceptions that we frequently hear in this discussion surrounding what we call so-called assault weapons?

Ms. MULLER. I will get this down before we end. Some of the things I have heard here today is we are talking about cosmetic things. I disagree with what I have heard today because a .22 rifle that everybody may have seen as a brown stock and something that your father may have given you, we can turn that into an AR platform, and it looks like an AR platform, and you would think that this is a weapon of war. These are cosmetic differences, and they do not make it any different—

Mr. COLLINS. Ms. Muller, can I stop you right there for just a second?

Ms. MULLER. Yes, sir.

Mr. COLLINS. You just said something, and I see this often. Is it not true historically that all weapons come out of war, continuing to say that this a weapon of war? All weapons come out of war.

Ms. MULLER. Correct. Well, my point is that any firearm is lethal, is lethal force. So, our community is all about safety and trying to educate people to how to be responsible gun owners. We are not for—

Mr. COLLINS. Well, I think the issue is when you came out, with the old flint rock, the flint, and muzzle loader. You come into the Bolt Action with the World War I. You come out. These were all started from a recession of protection and for enforcement, whether it be in law enforcement or in war. The idea that all of a sudden, they jumped from war to the streets when they came home from World War I and they wanted to use what they had used in World War I. That is what they used for hunting. This is where it has progressed. Do assault rifles, another question here, assault rifles shoot any faster than any other semi-automatic firearm?

Ms. MULLER. No, sir.

Mr. COLLINS. They don't. You served as a law enforcement officer during the time of the previous assault weapon ban from 1994 to 2004. Did it have any impact on your safety as a law enforcement officer or those that you were sworn to serve and protect?

Ms. MULLER. No, sir, I was there before, during, and after the previous assault weapon ban. I saw zero effect, me personally, and I believe the FBI's statistics stated that it was ineffective. Therefore, I believe you guys let it sunset.

Mr. COLLINS. All right. Ms. Swearer, last week, this Committee passed on a party line vote a red flag law. Do you have any concerns with what this Committee reported, and if so, what are they?

Ms. SWEARER. Thank you for your question. So, I have written fairly extensively on red flag laws, and while I agree that there may be a place for targeted intervention for people who are objectively dangerous, whether due to mental illness or other reasons, there are serious concerns with policies such as the ones that have recently come out of this body. Part of that is a complete lack of due process.

We are talking about taking away even temporarily a fundamental constitutional right. There need to be very high burdens of proof. There need to be objective, narrow measures as to what is constituting dangerousness. There need to be with regard to things like ex parte orders, quick follow-up, not allowing people to wait 30 days before they have their hearing after already infringing on their constitutional rights. We need to ensure that there are provisions for the restoration of those rights. Things like that are vitally important, and they are not measures that I have seen adequately imposed in many of these bills.

Mr. COLLINS. I am sure you followed this from last week, that we really took two bills, and we did what we do up here a lot, and that is sandwich it into a same bill, and which created a lot of problems. I think one of the issues was, jurisdictional influence and forum shopping. Is that something else that is concerning from what was passed out here to it actually would solve anything that we are looking at?

Ms. SWEARER. Well, so my understanding of the one that was passed is that it would essentially be State-type grants for—

Mr. COLLINS. Well, it did until we added on a Federal side of it. We actually did.

Ms. SWEARER. Yeah, when we are looking at Federal type of red flag laws, one of the big things should be followed-up are terms of mental health treatment, ensuring that people have a route to have their rights restored to them. So, part of the problem is jurisdictional. You don't have that at a Federal level the way you do at a State level. Frankly, it is not really a Federal jurisdictional type of issue.

Mr. COLLINS. I appreciate that, and I appreciate the conversation about the .22, the old .22. I can put as many bullets down the old log and actually quick as anything else, and it is 50 years old. It is not a brand-new gun.

Doctor, I appreciate what you do for your community. I thank you for the unfortunate incident that you saw. As someone who was a part of our response in Iraq, I was in the hospital at Balad. I saw these from IEDs and everything else, and your testimony is very compelling on this. Isn't it true also that a .357 magnum with a hollow-point bullet or a .44 magnum with a hollow-point bullet would also cause catastrophic damage, as just you have seen also, from a—

Dr. RIOS-TOVAR. It is my understanding, yes, there is cavitory lesions from those types of weapons as well.

Mr. COLLINS. So, again, I guess from your testimony on how bad this is, if you really want to do away with what you saw, you need to get rid of all guns, correct?

Dr. RIOS-TOVAR. I am not advocating for anything like that. I am just telling you what I see.

Mr. COLLINS. I appreciate that, but they are similar. And I think that is the only point I was trying to make there are similar concussions from different guns, which nobody is talking about taking away up here, and I think they are very similar when you look at. Thank you for your testimony. Thank you for your work.

Mr. DEUTCH. [Presiding.] Ms. Lofgren?

Ms. LOFGREN. Thank you, Mr. Chair. On July 28th, a shooter in Gilroy used a WASR arrangement semi-automatic rifle, called a WASR-10, which is a variant of an AK-47, and he had a 75-round drum magazine and five 40-round magazines, as he carried out his attack. Now the sale of this firearm and high-capacity magazines are actually banned in California, but he went over to Nevada, bought them there, and brought them back to Gilroy.

He killed Stephen Romero, age 6, who lived in my district, and Keyla Salazar, who was 13, who lived in my district, and Trevor Irby, who was just 25, lived over in Santa Cruz, and he injured 17 others, and he did that in under 60 seconds, because the Gilroy police, who were outgunned, actually ran up to him, and in less than a minute they shot him and then he shot and killed himself.

So, I really am grateful to the Gilroy police officers, but I feel a need to take action, so that you can't have a weapon that can do so much damage in under 60 seconds, and kill innocent people who have a right to be able to go to a family-friendly festival and not be in fear of their lives.

After that, and Mayor, I heard your testimony about the impact on a community. It is very real for the people who were there, for their neighbors, for their fellow parishioners and their friends, but really it is the whole community. The next weekend there were family-friendly festivals that were cancelled because people were afraid to go out in public.

So, we have created here a situation where the kind of thing that I had growing up, where I could go to a park or a grocery store, or walk down the street and not be afraid, that is not the case anymore, and we have an obligation to make sure that Americans have that same level of freedom that they had when I was a young person, and we have failed in that. That is why we are having this hearing today.

I was interested, Mr. Chipman, your long experience in the whole law enforcement, weapons area. Have assault weapons become more lethal since the expiration of the 1994 ban?

Mr. CHIPMAN. Certainly, I have seen a big leap in assault pistols. As I said in my opening testimony, on the streets during the 1980s and 1990s we were facing Tec-9s that carried handgun rounds, and now a blatant attempt to work around the intentions of the National Firearms Act and the regulation of short-barreled rifles, you can get AK and AR pistols, which were not used in war. They were developed to kill people here domestically. I don't think I know any common gun owners who look to that as a great self-defense weapon. They fire rounds that leave devastating wounds, and we saw that in Dayton. They are outside the norm and they are more lethal.

Ms. LOFGREN. Now I am wondering, when I think about California and the actions taken by the State legislature and governor to make the State safer. Do you think State laws are sufficient, given that, as in Gilroy, the shooter can just cross a State line and get something banned in his own State?

Mr. CHIPMAN. We need a national comprehensive approach. I was just out in Denver, and we are talking to people there, focused on the issue of gun violence. Half of their crime guns come from other states. Many of the crime guns in Chicago, that we heard talked about earlier, are coming from states like Indiana, and that is from firearms trafficking. If we had comprehensive and universal laws and approaches to regulation at the national level, there would not be this interstate travel to go and work around the law.

It is really no different than when we had different drinking age. Kids would go to another State to buy underage. So, I think that is why it is important for us here to be, as Federal authorities, making decisions for the country as a whole.

Ms. LOFGREN. Well, I thank you for that but there is a difference, because a 19-year-old going to drink in New York is a lot different than a 19-year-old going to Nevada and killing children in Gilroy.

Mr. CHIPMAN. Absolutely.

Ms. LOFGREN. I yield back, Mr. Chair.

Mr. DEUTCH. The gentlelady yields back. Mr. Chabot is recognized.

Mr. CHABOT. Thank you, Mr. Chair. I wasn't yet a member of this body when the 1994 gun ban was passed. I was elected that

year and sworn in the following year. As a strong supporter of the Second Amendment, I would not have voted for that at the time.

I would note that when the so-called assault weapons ban was in place it 1994 to 2004, I would note, that is when the Columbine shooting took place, right in the middle of that. I think it was '99 if I am not mistaken. I think contrary to the majority's belief, there is really no conclusive evidence that the weapons ban had any appreciable effect on mass shootings or violent crime.

Ms. Swearer, would you want to comment on that? Is that you're understanding as well?

Ms. SWEARER. Thank you, Congressman. That is my understanding and that was the understanding of those who released the official report after the ban expired. What they actually found was that should it be renewed it would be unlikely to have any meaningful or measurable effect, in part, because as I noted previously, these types of firearms are rarely used to commit crimes in the first place. It is actually handguns and non-assault weapons that are historically, and still to this day, most often used to commit crimes.

Mr. CHABOT. Thank you. Ms. Muller, you served as a law enforcement officer in, I believe, Tulsa, Oklahoma. Is that correct?

Ms. MULLER. Yes, sir.

Mr. CHABOT. Thank you for your service. When you were a law enforcement officer, that was during the assault weapons ban when that was in place. Is that correct?

Ms. MULLER. Before, during, and after.

Mr. CHABOT. Okay. Given your experience, would you agree with Ms. Swearer relative to whether there is any evidence that we were any safer as a society, as a community, when that was in place, or what are your thoughts about that?

Ms. MULLER. Yes, I would agree with her. Personally, professionally, it had zero impact on me. I saw no difference before, during, or after the beginning or the end of the assault weapons ban from 1994 to 2004.

Mr. CHABOT. Thank you. Ms. Muller, could you describe some of the misconceptions that you frequently hear when it comes to the discussion surrounding so-called assault weapons?

Ms. MULLER. One of the things, when we talk about weapon of war, I hear it being a weapon of war. First, anything can be used as a weapon when you are in battle, I suppose. An AR-15, specifically, I have friends that have served in combat roles and they have told me that is not a desirable round. They do not like the AR-15, the .223 or the 5.56. This is their personal opinion, but they would much prefer to carry a .308 or something with greater stopping power.

Mr. CHABOT. Okay. Thank you. The guns that we are discussing here this morning, do people use these to hunt? Do they use them for self-defense? They suitable for both? Could you comment on that?

Ms. MULLER. Yes, sir. We certainly use them in my family. We use them for both. I will have to be the law-abiding citizen that does have a pistol AR, and I choose that because it is more compact, and it does give me the greater capacity. It is just a better defensive firearm, and it fits better in my car, in my vehicle, that

I am traveling in. So, it is a little bit easier to move around, but I get the same advantages of the AR.

Mr. CHABOT. Thank you very much.

Ms. Swearer let me go back to you, if I could. What do you believe are the major motivations behind the mass shootings that we have seen, and it is your opinion that we ought to be focused on what is actually causing these things, as opposed what we are focused on here today?

Ms. SWEARER. Congressman, that is absolutely my opinion, and it is very clear when you look at mass public shooters, what you see is much higher rates of untreated, serious mental illness. So, people who—like one-fourth of mass public shooters have been diagnosed with a serious mental illness or, as two-thirds of them have, what you are actually seeing is people who are not in a mentally stable place, even if they haven't been officially diagnosed with any sort of mental illness.

These are, by and large, individuals who are not in a good mental place or showing clear signs of being a danger to themselves or others, where there is room for intervention with them. So, that is one of the avenues we have to look at, is how do we actually treat those underlying problems and intervene in an effective, narrow way, specifically for those dangerous individuals.

Mr. CHABOT. Thank you very much. My time has expired, Mr. Chair.

Mr. DEUTCH. The gentleman yields back. Mr. Cohen is recognized.

Mr. COHEN. Thank you, Mr. Chair. Let me ask Mr. Chipman, as a former IACP person myself, as a legal advisor a long time ago, these weapons are made by lots of companies. Is that not correct?

Mr. CHIPMAN. That is correct.

Mr. COHEN. So, is Colt the exclusive manufacturer of AR-15s?

Mr. CHIPMAN. No, they are not. We have a variety of ways that you can acquire an AR-15 model. There are imported ones.

Mr. COHEN. Colt has decided not to produce anymore, manufacture anymore. Is that right?

Mr. CHIPMAN. They describe the market as flooded, and it is my belief that it is flooded by foreign-made ARs, and the ability to make one your own now.

Mr. COHEN. Are some of those—would any of those be coming from Russia?

Mr. CHIPMAN. The Russian model that I am familiar with would be more an AK variant.

Mr. COHEN. AK-47?

Mr. CHIPMAN. Yep.

Mr. COHEN. Are they sold here?

Mr. CHIPMAN. They are not only sold here, but they are also now manufactured in this country, if you are talking about Kalashnikov.

Mr. COHEN. How long have they been manufactured here?

Mr. CHIPMAN. I don't—I am not certain.

Mr. COHEN. Okay. A few years ago, I was in Russia, maybe three years ago, and there was an effort then, by the Russian government, to try to change our policies and get more Kalashnikovs sold in this country. Do you know what they would have been trying to

do? This was before the election of President Trump. I was there during Obama's term.

Mr. CHIPMAN. I am aware that companies like Kalashnikov found it advantageous to build the guns here in America to not have to deal with some other import issues.

Mr. COHEN. Was there a restriction on them, manufacturing here?

Mr. CHIPMAN. I am not aware.

Mr. COHEN. Okay. Do you know anything that has happened during the Trump Administration that might have benefitted Kalashnikov?

Mr. CHIPMAN. I am not.

Mr. COHEN. Okay. Do you know the official position of the IACP on assault weapons?

Mr. CHIPMAN. For many years they have opposed and supported a ban on assault weapons.

Mr. COHEN. Why is that?

Mr. CHIPMAN. I think, first, as a law enforcement organization, they saw a threat to law enforcement, and also were responding to these scenes. We are, I think, 200 off-duty officers were in Las Vegas being shot at. I know there were ATF agents. We have families too. So, I think it comes from a place that police are Members of our communities and they want to do a good job and keep streets safe. These are particularly lethal and threatening when in the wrong hands.

Mr. COHEN. Mr. Chipman, how can you say that with a straight face when you realize that one good man with a gun could take out that person?

Mr. CHIPMAN. Yeah. I was trained to be that person, and I think that is a big myth. I think the first thing I learned when I was trained with Secret Service is, well, you don't have enough time to pull your gun. You need to get in the way of the bullet and get shot. So, I think that is what we see, is the reality is that any time you are responding to a shooting, a lot has happened very badly, and we can't have national policy relying on winning gunfights. We need to focus on preventing them.

Mr. COHEN. I appreciate you recognizing my sarcasm.

Chief BRACKNEY, do you also agree, in your group, that assault weapons should not be sold in this country?

Chief BRACKNEY. Absolutely, and what actually is disingenuous is that we are arguing about terminology. When you looking down the face of a high-powered, high-velocity weapon, do you really want to ask is it an AR or an AK, and can you pull it one trigger at a time or is it a semi-automatic, or is it something more?

I also say the same thing is when we are talking about, even arguing, pushing back against a "the only person who should stop a bad person with gun is a good person with a gun," actually what stops a bad person with a gun is keeping a gun out of their hands to start with.

[Applause.]

Chief BRACKNEY. Ask that from any law enforcement officer who has ever had to look down the face of a barrel. Go tell that to their families, their widows, their widowers, their children. Tell that to the community and the persons from all these mass shootings that

we are going to argue about definitions versus the impact that it is having on our communities.

Mr. COHEN. I know this hearing is about assault weapons, which is extremely important, but there is also armor-piercing bullets. Do you also agree that armor-piercing bullets have no place in our society?

Chief BRACKNEY. Absolutely. They are actually dubbed “cop killers,” is originally how they were put out on the streets, and that is because they could pierce through our bulletproof—our protective gear, our personal protective equipment. So absolutely, and the organizations that I represent, and I am a part of PERF, IACP, NOBLE, and all of the other ones—we stand firmly behind that there is no place in society for the type of weapons that can do the type of damage to not only law enforcement but to the community at large.

Mr. COHEN. Mr. Chipman, do you agree with that is the IACP position?

Mr. CHIPMAN. Yeah, absolutely, and there is ammo to defeat armor, like military armor, and then there are rifle rounds that defeat ballistic vests we wear, typically rated to defend against handgun rounds.

Mr. COHEN. I thank each of you for your testimony, your service, and I stand with the police and the sheriff's department and not with the NRA.

Mr. DEUTCH. The gentleman yields back.

[Applause.]

Mr. DEUTCH. Mr. Sensenbrenner is recognized.

Mr. SENSENBRENNER. Mr. Chair, thank you. You know, I would disagree with what has been said here, because one of the problems we had last time—and I was here when this was passed—was making proper definitions. So, if we want to achieve this goal, we have to have those definitions done correctly.

Now I have heard a lot of the arguments on this, and a lot of it revolves around what the firearm looks like rather how the firearm works. It seems to me that the problem is how the firearm works.

Now fully automatic, military-style rifles have been illegal for somebody to buy since the '30s, except with a very, very hard-to-get permit from the ATF. Rifles that are semi-automatic are legal for hunting in most, if not all, states. I haven't got this up to date yet, but there are a lot of semi-automatic hunting rifles that State DNRs or Fish and Game regulators feel are sporting rifles.

I don't think we have any business here taking away hunting rifles from people who are not disqualified from owning them and people who think that hunting is a good sport. I am not a hunter, so I don't go out and sit in the cold during the deer-hunting season. Let's define this correctly.

I would like to ask, you know, some of the people who support banning, quote, “assault rifles,” tell me, do you think that hunting rifles ought to be banned if they are semi-automatic?

Let's start with you, Mayor Whaley.

Ms. WHALEY. Thank you, Representative. My point here today is just to reiterate that constitutional rights require a responsibility

and balance, and the people of Dayton also have the right to be safe.

Mr. SENSENBRENNER. Can you give me a yes or no answer on whether hunting rifles ought to be banned, if we don't define this correctly?

Ms. WHALEY. I think that this body will define this correctly, and I think that will have—

Mr. SENSENBRENNER. What is your opinion? Not that—you are asking what our opinion is.

Dr. TOVAR, we got no answer from Mayor Whaley on whether hunting rifles ought to be banned, so let the record State that. Dr. TOVAR?

Dr. RIOS-TOVAR. So, the question is should hunting rifles be banned?

Mr. SENSENBRENNER. Yes.

Dr. RIOS-TOVAR. Is that the question?

Mr. SENSENBRENNER. Yes.

Dr. RIOS-TOVAR. I agree that there should be a definition of what a so-called assault rifle is, a so-called weapon that—

Mr. SENSENBRENNER. Just answer the question. If you have this definition of a semi-automatic firearm that looks bad because it has got shoulder thing and people can put—I don't own any firearms so I am not defining this correctly. But, I was not elected to sit here and tell people who like to hunt that all of a sudden, the firearm that they have been using legally, according to State DNR regulations, ends up being banned because we, in Congress, think it should be.

Should we write a definition that is so broad that hunting rifles will be banned? Yes or no.

Dr. RIOS-TOVAR. I think a definition should be made in terms of what should be legal and what should not.

Mr. SENSENBRENNER. Well, you are not answering the question. Chief Brackney, yes or no.

Chief BRACKNEY. Thank you for the question. I believe any weapon that can be used to hunt individuals should be banned.

[Applause.]

Mr. SENSENBRENNER. Well, that is not what the Virginia DNR says.

Ms. Rand?

Ms. RAND. We think that you can clearly distinguish assault rifles from sporting, hunting rifles, and just because you can hunt with an AR-15 does not make it a hunting rifle. Having said that, we do not support a ban on true hunting rifles.

Mr. SENSENBRENNER. Okay. Well, we will put that down as a question mark.

Ms. Swearer?

Ms. SWEARER. If the question is whether hunting rifles should be banned just because they are semi-automatic, the answer is no, and I would point out that, again, when we are talking about functional difference between hunting rifles and assault weapons, we are not talking about lethality and we are not talking about caliber. We are talking about things like pistol grips and barrel shrouds that don't change the functional mechanics.

So, I would say no, we shouldn't be banning hunting rifles just because they have pistol groups and are easier to use.

Mr. SENSENBRENNER. Okay. Ms. Muller, and my time will be up.

Ms. MULLER. No.

Mr. SENSENBRENNER. I yield back.

Mr. DEUTCH. The gentleman's time has expired.

[Applause.]

Mr. DEUTCH. I would like to briefly address the Members of the audience in the hearing room. We welcome and respect your right to be here. We also, in turn, ask for your respect as we proceed with the business of the committee, and it is the intention of the Committee to proceed with this hearing without disruptions, and we ask everyone to respect that.

Mr. Cicilline, you are recognized for five minutes.

Mr. CICILLINE. Thank you, Mr. Chair. Thank you for holding the first hearing on assault weapons in 20 years.

There is a reason why assault weapons have become the weapon of choice for mass killers. They are weapons of war designed to kill as many people as possible in as short a time as possible.

On August 4th, a shooter used a lawfully purchased AR-15-style assault rifle to take the lives of 9 people and injury 27 more people in less than a minute in Dayton, Ohio. Just one day earlier, a gunman legally purchased an AK-47-style rifle and within minutes killed 22 people and injured 27 in a Walmart in El Paso. On July 28, 2019, a gunman legally purchased an assault weapon weeks before killing 3 people and wounding 12 people at the Gilroy Garlic Festival in California, with police on the scene in under a minute.

In each of these shootings, despite the quick response times and heroic efforts of law enforcement and first responders, 34 people were killed within a week's time and 60 more people injured, and this does not even begin to account for the mental health consequences that these shootings have on survivors and the impacted communities.

I want to welcome all of the wonderful advocates who are here, the family Members who have lost loved ones to gun violence and thank you for being here, and for being such a powerful voice in this debate. I particularly want to honor Mayor Whaley and thank her for her graceful and strong leadership in a very difficult time.

I reintroduced H.R. 1296, the Assault Weapons Ban of 2019, to address the harm that mass shootings have on our communities and to keep the American people safe from senseless acts of violence. This bipartisan legislation, with 211 co-sponsors, prohibits the sale, transfer, manufacturing, and importation of semi-automatic weapons and ammunition-feeding devices capable of accepting more than 10 rounds, while protecting hunting and sporting rifles and assault weapons used by Members of the military and law enforcement.

There are 215 weapons that are exempted in the bill that are sporting rifles and hunting rifles. So, this notion that we are going to ban hunters is false. Had the legislation been passed and signed into law, it would have prevented the tragedies we witnessed in Dayton, El Paso, and Gilroy.

If you listen to my Republican colleagues on this Committee you would think the assault weapons ban is some radical idea that has

never been done before. The truth is it was the law for 10 years, from 1994 to 2004. It passed the House with 38 Republican votes. It worked, and no law-abiding American lost their guns.

In mass shootings, 63 percent more people were killed when shooters used assault weapons or high-capacity weapons rather than other types of firearms, and during the 10-year period of the 1994 Assault Weapons Ban, mass shooting fatalities were 70 percent less likely than when the ban was in place. With a ban it is less likely that Americans will be killed while at their favorite band concert, while hanging out a bar with friends, while praying at their places of worship, while simply going to school.

Instead of attacking the problem of mass shootings head-on, we are building schools with curved hallways to minimize casualties from an active shooter, and we are sending our kids off to school with bulletproof backpacks. This is sickening. We have an opportunity to do something. We have a solution, one that worked and made a real difference.

I am going to ask you, Ms. Rand, if you look at this 2016 study by Professor Klarevas of the University of Massachusetts at Boston, he analyzed data on every gun massacre where six or more people were shot and killed, for 50 years, to analyze whether the 10-year-old Federal ban on assault weapons had any effect on massacres. As you can see, when the ban lapsed in 2004, the numbers of gun massacres shot up, with a 183 percent increase in massacres, 34 massacre incidents, and a 239 percent increase in massacre deaths.

So, does that establish, in fact, the effectiveness of the assault weapons ban?

Ms. RAND. Well, I think that the 1994 ban definitely had a chilling effect on the industry. It was able to evade the law in certain ways, and your bill addresses all those things that the industry does. So, your bill would be even more effective. We know, from the statistics, that there clearly was a reduction in mass shootings, and since the ban lapsed, the industry has only become more and more and more aggressive.

One point I would like to make about the increasing lethality, is the huge increase in the capacity of magazines. We very seldom saw 75-round, 100-round magazines. We see those all the time now.

Mr. CICILLINE. Thank you, Ms. Rand, and that, of course, the legislation I propose has the one characteristic that you previously spoke about.

Ms. RAND. Yes.

Mr. CICILLINE. Chief Brackney, on August 14th of this year, six police officers in Philadelphia were shot during an eight-hour standoff with a gunman using an AR-15. According to the Violence Policy Center, in 2016, one in four police officers killed in the line of duty was killed by an assault weapon, and in attacks on law enforcement that resulted in multiple police fatalities assault weapons killed 75 percent of those officers.

In your opinion, would an assault weapons ban assist law enforcement with protecting themselves and communities from gun violence?

Chief BRACKNEY. Absolutely, and what we also want to consider is these open carry states. It is much easier to identify a person who has an illegal weapon if they are not allowed to have one to start. I wouldn't have to make the distinction whether it is a good person with a gun or a bad person with a gun. I absolutely support it. Thank you.

Mr. CICILLINE. Thank you, Mr. Chair. I have several unanimous consent requests. The first is a letter of support for the assault weapons ban signed by nearly 150 organizations, including the Newtown Action Alliance and the Brady Campaign.

Mr. DEUTCH. Without objection.
[The information follows:]

MR. CICILLINE FOR THE RECORD

LETTER OF SUPPORT FOR THE ASSAULT WEAPONS BAN

President Donald Trump, 1600 Pennsylvania Ave. NW, Washington, DC 20500
 Senate Majority Leader, Mitch McConnell, 317 Russell Senate Office Building,
 Washington, DC 20510
 Senator Majority WHIP, John Thune, United States Senate, SD-511, Washington,
 DC 20510
 Senate Minority Leader, Charles Schumer, 322 Hart Senate Office Building,
 Washington, DC 20510
 Senate Judiciary Chair, Lindsey Graham, 290 Russell Senate Office Building,
 Washington, DC 20510
 House Speaker Nancy Pelosi, 1236 Longworth House Office Building, Washington,
 DC 20510
 House Majority Leader, Steny Hoyer, 1705 Longworth House Office Building,
 Washington, DC 20510
 House Minority Leader, Kevin McCarthy, 2468 Rayburn House Office Building,
 Washington, DC 20510
 House Judiciary Chair, Jerry Nadler, 2132 Rayburn House Office Building, Wash-
 ington, DC 20510

CC: All Members of 116th Congress

Dear President Trump, Speaker Pelosi, Leader McConnell, Leader Hoyer, Leader
 Schumer, Leader Thune, Leader McCarthy, Chair Graham, and Chair Nadler,

Too many Americans are being senselessly gunned down in public spaces in towns
 and cities across the nation.

With easy access to military-style semi-automatic assault weapons, bump stocks,
 and high capacity ammunition magazines, too many individuals have turned our
 schools, malls, concerts, movie theaters, stores, restaurants, nightclubs, food festi-
 vals, streets, workplaces, and places of worship into war zones filled with terror,
 devastation, and terrible loss. These weapons of war are also placing our law en-
 forcement in grave danger as FBI data shows 1 in 4 law enforcement killed in the
 line of duty are killed with military-style semi-automatic assault weapons.

Military-style semi-automatic assault weapons are designed to efficiently kill as
 many people as possible in the shortest amount of time available.

On July 20, 2012, a 24-year-old White male killed 12 people and injured 70 others
 (58 from gunfire) with assault weapons and high-capacity magazines inside a Cen-
 tury 16 movie theater in Aurora, Colorado.

On December 14, 2012, a 20-year-old White male killed 26 children and educators
 with an AR-15 and high-capacity magazines in less than five minutes at Sandy
 Hook Elementary School in Newtown, Connecticut.

On December 2, 2015, a homegrown extremist couple killed 14 people and 22 oth-
 ers with assault weapons and high-capacity magazines in an attack at the Inland
 Regional Center in San Bernardino, California.

On June 12, 2016, a 29-year-old security guard, killed 49 people and injured 53
 others with an assault weapon and high-capacity magazines in an attack targeting
 LGBTQI community inside the Pulse Nightclub in Orlando, Florida.

On June 3, 2017, gunmen armed with AK-47s trafficked illegally into Mexico
 killed 6 people and wounded 22 others at Chicho's Bar in Chihuahua City in North-
 ern Mexico.

On October 1, 2017, a 64-year-old White male killed 58 people and wounded 851
 (422 by gunfire) with an AR-15, bump stocks, and high-capacity magazines at the
 Route 91 Harvest Music Festival in Las Vegas, Nevada.

On November 5, 2017, a 26-year-old White male, with domestic violence history
 and dismissed from the U.S. Air Force, killed 26 people (including an unborn baby)
 and wounded 2 others with an assault weapon and high capacity magazines inside
 the First Baptist Church in Sutherland Springs, Texas.

On February 14, 2018, a 19-year-old White male killed 17 students and educators
 and injured 17 others with an AR-15 and high-capacity magazines at Marjory
 Stoneman Douglas High School in Parkland, Florida.

On April 22, 2018, a 29-year-old male killed 4 people and injured 2 others with
 an AR-15 and high-capacity magazines at the Waffle House in Nashville, Ten-
 nessee.

On October 27, 2018, a 46-year-old anti-Semitic White male killed 11 people and
 injured six others with an assault weapon and high-capacity magazines at the Tree
 of Life Synagogue in the Squirrel Hill neighborhood of Pittsburgh, Pennsylvania.

On April 19, 2019, unidentified gunmen killed 14 people, including an infant boy, and wounded three others with AR-15s and AK-47s illegally trafficked into Mexico, at a family party in Minatitlan, Veracruz in Mexico.

On May 3, 1, 2019, a 40-year-old disgruntled city employee killed 12 people and injured 4 others fatally with an assault weapon and high capacity magazines in a municipal building in Virginia Beach, Virginia.

On June 18, 2019, a group of gunmen attacked a Mexican army patrol and killed 4 people and wounded 10 others using AK-47s illegally trafficked into Mexico, in Tlacotepec in the southern Mexican State of Guerrero.

On Sunday, July 28, 2019, a 19-year-old male killed 3 people and injured 13 others with an AK-47-type assault rifle and high-capacity magazines at the Gilroy Garlic Festival in Gilroy, California.

On Saturday, August 3, 2019, a 21-year-old male with White supremacist ideation killed 22 people, including eight Mexican citizens, and injured 24 others with an AK-47-style assault rifle, high-capacity magazines and 8M3 ammunition in Walmart in El Paso, Texas.

On Saturday, August 3, 2019, a 24-year-old male killed 9 people and injured 31 others with a legally purchased 223-caliber rifle and 100-round drum magazines in 24 seconds outside a nightclub at a nightlife district in downtown Dayton, Ohio.

On August 31, 2019, a 36-year-old male traveling between the Texas cities of Odessa and Midland in a vehicle used an AR-15 type assault weapon purchased in a private sale to kill 8 people and injure 25 including 3 police officers and a 17-month-old girl.

There is absolutely no reason for weapons of war—assault rifles, assault pistols, and assault shotguns—to be sold on the civilian market. In 2004, Congress and President Bush failed to reauthorize and strengthen the 1994 federal assault weapons ban which enabled their use in Aurora, Sandy Hook, San Bernardino, Orlando, Las Vegas, Sutherland Springs, Parkland, Pittsburgh, Nashville, and Thousand Oaks mass shooting incidents in America. Now, the Gilroy, El Paso and Dayton families and communities are reeling.

Unless you take immediate action to regulate assault weapons, high-capacity magazines, and bump stocks then the scope of death and destruction caused by weapons of war will continue to escalate and Americans and Mexicans will continue to live in fear.

We are presenting a petition signed by over 250,000 Americans calling on the President and Congress to demand that you Act now to stop the carnage with an effective federal ban on the civilian use of assault weapons, high-capacity magazines, and bump stocks. H.R. 1296 and S. 66 Assault Weapons Ban of 2019 are ready for a hearing and a vote. NOW is the time to act!

Thank you. Sincerely,

*American Federation of Teachers
Amnesty International USA
Arizonans for Gun Safety
Avaaz
Ban Assault Weapons Now!
Bishops United Against Gun Violence
Brady
Catholic Religious Community, NY
Ceasefire Oregon
CeaseFire Pennsylvania
Center of Ecumenical Studies
Centro de Estudios
CEO Pipe Organs/Golden Ponds Farm
Change the Ref
Chester Community Coalition
Children's Defense Fund
Citizens for Peace
Coalition Against Gun Violence
Coalition Against Gun Violence, a Santa Barbara County Coalition
Coalition to Stop Gun Violence
Colorado Ceasefire
Courage Campaign
CT Against Gun Violence
Delaware Coalition Against Gun Violence
Democracy Action Marin
Disciples Home Missions, Christian Church (Disciples of Christ) denomination
Docs Demand Action*

Doctors for America
 Dominican Sisters of Blauvelt, NY
 Dubuque Coalition for Nonviolence
 Ebony's Hope
 Ecumenicos a.c. / Center of Ecumenicos Studies, Mexico City
 Episcopal Peace Fellowship
 Falmouth Gun Safety Coalition
 Fellowship for Today
 Franciscan Action Network
 Friends Committee on National Legislation
 Friends of Michigan Animals Rescue
 Gays Against Guns
 Georgia Alliance for Social Justice
 Georgia Rural Urban Summit and others
 Georgians for Gun Safety
 Global Exchange
 Grandmothers Against Gun Violence, Cape Cod
 Greater Lansing Network Against War & Injustice
 Greenpeace, U.S.
 Gun Violence Prevention Action Committee
 Gun Violence Prevention Center of Utah
 Guns Down for America
 Gunsense Vermont
 Herd on the Hill
 Hoosiers Concerned About Gun Violence
 Huntington Woods Peace, Citizenship, & Action Project
 International Health & Epidemiology Research Center
 Iowans for Gun Safety
 Joint Action Committee
 Journey Award
 Jr. Newtown Action Alliance
 Lansing UN Association
 Latin America Working Group
 Lift Every Voice Oregon
 Long Island Activists
 Long Islanders for Gun Safety
 MA Coalition to Prevent Gun
 Violence Steering Committee
 March For Our Lives
 March For Our Lives, DC
 March For Our Lives, Maine
 March For Our Lives, Minnesota
 March For Our Lives, New Hampshire
 March for Our Lives, Texas
 March for Our Lives, Hebron, CT
 Marylanders to Prevent Gun Violence
 Michigan Coalition to Prevent Gun Violence
 Michigan Unitarian, Universalist Social Justice Network (MUUSJN)
 Million Hoodies Movement for Justice
 Missionary Sisters of Immaculate Conception
 MomsRising
 Mt. Vernon Unitarian Church
 NALC
 Nassau NOW
 National Council of Jewish Women
 National Education Association
 National Equality Action Team (NEAT)
 National LGBTQ Task Force Action Fund
 Nebraskans Against Gun Violence
 New Mexicans to Prevent Gun Violence
 Newtown Action Alliance
 NoRA
 North Carolina Council of Churches
 North Carolinians Against Gun Violence
 Ohio Coalition Against Gun Violence
 Orange Ribbons for Gun Safety
 Pax Christi Michigan
 Peace Action of Michigan

Physicians for the Prevention of Gun Violence
Physicians of Social Responsibility
Pride Fund to End Gun Violence
Programa Casa Refugiados, Mexico City
Psychiatrists for Gun Violence Prevention
Reconstructionist Rabbinical Association
Rhode Island Coalition Against Gun Violence
Safe Places Alliance
Safe Tennessee Project
San Diegans for Gun Violence Prevention
School Sisters of St Francis, Pittsburgh, Pennsylvania
Sisters of St. Francis of the Neumann Communities, Syracuse, New York
Srs. of St. Joseph of Carondelet, Los Angeles, California
St. Bonaventure Province
St. Marks Episcopal Church, Capitol Hill, DC
States United to Prevent Gun Violence
Stop Handgun Violence
Suffolk Progressives
Survivors Empowered Action Fund
Survivors Lead
The Campaign to Keep Guns Off Campus
The Connecticut Effect
The ENOUGH Campaign
The Florida Coalition to Prevent Gun Violence
This Is Our Lane
UltraViolet
Unitarian Universalist Faith Action, New Jersey
Urban Word, NYC
UUPLAN Unitarian
Universalist PA Legislative Action Network
Violence Policy Center
Vision Quilt
Vote Like a Mother
Washington Ceasefire
WAVE Educational Fund
We the People for Sensible Gun Laws
Wheaton Franciscan Sisters
Woman's National Democratic Club
Women Against Gun Violence
Women's March
Women's Voices Raised for Social Justice

Mr. CICILLINE. I ask unanimous consent to have a report, a study by the Violence Policy Center that shows one in four law enforcement officers slain in the line of duty by an assault weapon.

Mr. DEUTCH. Without objection.

[The information follows:]

MR. CICILLINE FOR THE RECORD



Violence Policy Center

Research, Investigation, Analysis & Advocacy for a Safer America

search here ...

- [The Impact of Gun Violence](#)
- [Regulating the Gun Industry](#)
- [Investigating the Gun Lobby](#)
- [Publications](#)
- [Press Room](#)

Media Contact:

Sally Martinelli
 (202) 822-8200 x104
 smartinelli@vpc.org

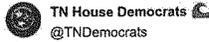
search here ...

New Data Shows One in Four Law Enforcement Officers Slain in the Line of Duty in 2016 Felled by an Assault Weapon

For Release: Tuesday, February 27, 2018

Tweets by @VPCInfo

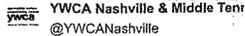
Violence Policy Center
Retweeted



According to @VPCInfo, Tennessee is 8th in the nation for black homicide victims. According to the @CDCgov, 64% of Tennessee firearm homicide victims were men of color.

5h

Violence Policy Center
Retweeted



A decade of death: Tennessee has one of the highest female homicide rates in

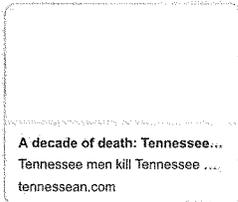
Washington, DC—One in four law enforcement officers slain in the line of duty in 2016 were killed by an assault weapon, according to research by the Violence Policy Center (VPC). As seen in the graphic below, in 2016 (the most recent year for which data is available) 64 U.S. law enforcement officers (excluding Puerto Rico) were slain in the line of duty. Of these, 16 (25 percent) were killed with an assault weapon. In four of these 16 deaths a bullet penetrated the officer's body armor. Information for the VPC analysis was obtained from the Federal Bureau of Investigation (FBI) under the Freedom of Information Act (FOIA) along with data published in the FBI's 2016 Law Enforcement Officers Killed & Assaulted.

VPC Legislative Director Kristen Rand states, "Assault weapons are a menace to public safety. Now is the time to pass an effective

9/24/2019 New Data Shows One in Four Law Enforcement Officers Slain in the Line of Duty in 2016 Felled by an Assault Weapon | Violence Policy ...

the nation
tennessean.com/story/news/crime... via
@tennessean

assault weapons ban that will protect police officers on the job as well as citizens going about their daily lives."

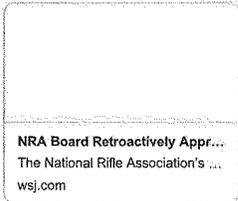


A decade of death: Tennessee...
Tennessee men kill Tennessee ...
tennessean.com

7h

Violence Policy Center
@VPCinfo

The NRA's governance practices are once again under fire following the approval of 10 transactions that reportedly benefited insiders late last year:
(via @WSJ) wsj.com/articles/nra-b...



NRA Board Retroactively Appr...
The National Rifle Association's ...
wsj.com

Sep 23, 2019

Violence Policy Center
Retweeted

Jennifer Berry Hawes
@JenBerryHawes

Since @VPCinfo began publishing "When Men Murder Women" in 1996, South Carolina has never left the top-10 grouping for highest rate of men killing women.
<https://twitter.com/mikaelaporterPC/status/1175141513417973762>

1 in 4 law enforcement officers slain in the line of duty in 2016 were killed with an assault weapon.¹

officers were slain in the line of duty that year.

16 were killed with assault weapons.

incidents involved bullets penetrating the officer's body armor.²

Violence Policy Center
vpc.org

1. Source: Unpublished FBI data. Law Enforcement Officers Fatally Killed in the Line of Duty During 2016. Type of Weapon, five most recent years for which information is available, excluding Fayette Riv...
2. Bullets from assault rifles penetrated officers' protective body armor in incidents in California and Texas. FBI 1010. Law Enforcement Officers Killed & Assaulted report.

The Violence Policy Center is a national educational organization working to stop gun death and injury. Follow the VPC on Twitter, Facebook, and YouTube.

Mr. CICILLINE. I ask unanimous consent that this report of a 2018 study published in the Journal of Trauma and Acute Care Surgery, which found that mass fatalities were 70 percent less likely to occur during the 1994 Assault Weapon Ban, period.

Mr. DEUTCH. Without objection.

[The information follows:]

MR. CICILLINE FOR THE RECORD

Changes in US mass shooting deaths associated with the 1994–2004 federal assault weapons ban: Analysis of open-source data

Charles DiMaggio, PhD, MPH, Jacob Avraham, MD, Cherisse Berry, MD, Marko Bukur, MD, Justin Feldman, ScD, Michael Klein, MD, Noor Shah, MD, Manish Tandon, MD, and Spiros Frangos, MD, MPH, New York, New York

AAST Continuing Medical Education Article

Accreditation Statement

This activity has been planned and implemented in accordance with the Essential Areas and Policies of the Accreditation Council for Continuing Medical Education through the joint providership of the American College of Surgeons and the American Association for the Surgery of Trauma. The American College of Surgeons is accredited by the ACCME to provide continuing medical education for physicians.

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BACKGROUND:	A federal assault weapons ban has been proposed as a way to reduce mass shootings in the United States. The Federal Assault Weapons Ban of 1994 made the manufacture and civilian use of a defined set of automatic and semiautomatic weapons and large capacity magazines illegal. The ban expired in 2004. The period from 1994 to 2004 serves as a single-arm pre-post observational study to assess the effectiveness of this policy intervention.
METHODS:	Mass shooting data for 1961 to 2017 were obtained from three well-documented, referenced, and open-source sets of data, based on media reports. We calculated the yearly rates of mass shooting fatalities as a proportion of total firearm homicide deaths and per US population. We compared the 1994 to 2004 federal ban period to non-ban periods, using simple linear regression models for rates and a Poisson model for counts with a year variable to control for trend. The relative effects of the ban period were estimated with odds ratios.
RESULTS:	Assault rifles accounted for 430 or 85.8% of the total 501 mass-shooting fatalities reported (95% confidence interval, \$2.8–88.9) in 44 mass-shooting incidents. Mass shootings in the United States accounted for an increasing proportion of all firearm-related homicides (coefficient for year, 0.7, $p = 0.0003$), with increment in year alone capturing over a third of the overall variance in the data (adjusted $R^2 = 0.3$). In a linear regression model controlling for yearly trend, the federal ban period was associated with a statistically significant 9 fewer mass shooting related deaths per 10,000 firearm homicides ($p = 0.03$). Mass-shooting fatalities were 70% less likely to occur during the federal ban period (relative rate, 0.30; 95% confidence interval, 0.22–0.39).
CONCLUSION:	Mass-shooting related homicides in the United States were reduced during the years of the federal assault weapons ban of 1994 to 2004. (<i>J Trauma Acute Care Surg.</i> 2019;86: 11–19. Copyright © 2018 American Association for the Surgery of Trauma.)
LEVEL OF EVIDENCE:	Observational, level II/IV.
KEY WORDS:	Firearms; mass-shootings; assault weapons; epidemiology.

Increases in firearm-related injuries, particularly mass-shooting related fatalities, in the United States have contributed to a polarizing and sometimes contentious debate over gun ownership and limiting weapons characterized as assault weapons.^{1,2} Despite the increasing sense that there is an epidemic of indiscriminate firearm violence in our schools and public spaces, there is a paucity of public health evidence on the topic. Among a number of recommendations, a federal Assault Weapons Ban (AWB) has been proposed as a way to prevent and control mass shootings in the United States. In this article, we assess evidence for the effectiveness of such a ban in preventing or controlling mass-shooting homicides in the United States.

While mass shootings occur in other industrialized nations, the United States is particularly prone to these crimes. In a recent 30-year period, the United States had double the number of mass-shooting incidents than the next 24 industrialized nations combined.³ Any public perception of recent increases in the number of these events is borne out by analysis of available data.⁴ By one measure, there have been more deaths due to mass shootings in the United States in the past 18 years than in the entire 20th century.⁵ While there is some debate about the role of mental illness in mass shootings,^{6–8} many high-profile recent mass shootings (Aurora, CO; Roseburg, OR; San Bernardino, CA; Newtown, CT; Orlando; Las Vegas; Sutherland Springs, TX) have been characterized by the use of semiautomatic assault rifles,⁹ leading some to advocate for restrictions on the manufacture and sale of these weapons.

While survey results indicate that researchers in criminology, law and public health rank an assault weapons ban as one of the most effective measures to prevent mass shootings, and that 67% of the US general population support such a ban,¹⁰ the existing evidence on banning assault weapons is scant and sometimes contradictory. Most evidence is related to the Federal AWB of 1994, which made illegal the manufacture and use by civilians of a defined set of automatic and semiautomatic weapons and large capacity magazines. Formally known as “The Public Safety and Recreational Firearms Use Protection Act”, the AWB was part of the broader “Violent Crime Control and Law Enforcement Act of 1994. The ban lasted 10 years, expiring in 2004 when the US Congress declined to renew it.

In a study soon following the implementation of the 1994 ban, researchers reported a 55% decrease in the recovery of assault weapons by the Baltimore City Police in the first 6 months of 1995, indicating a statistically significant 29 fewer such firearms in the population.¹¹ In a 2009 study based on ICD9 external cause of injury codes for patients younger than 18 years in the United States, 11 states with assault and large-capacity magazine bans, as well as other firearm laws, were compared with 33 states without such restrictions. The incidence of firearm injuries per 1,000 total traumatic injuries was significantly lower in states with restrictive laws, 2.2 compared with 5.9.¹² In contrast, a comprehensive 2001 evaluation of the AWB itself concluded that there was “no evidence of reductions in multiple-victim gun homicides or multiple-gunshot wound victimizations”. The authors cautioned their results should be “interpreted cautiously” because of the short period since the ban’s inception, and that future assessments were warranted.¹³ More recent studies, while not primarily addressing the US Federal AWB have found results generally consistent with its effectiveness in preventing mass-shooting fatalities.^{14,15}

We believe sufficient time has passed and enough data have accumulated to treat the period from 1994 to 2004 as a naturalistic pre-post observational comparison period for the association of the AWB with changes in mass-shootings in the United States. Because there is no authoritative source or registry, or even a widely agreed upon definition for these incidents, we obtained data from three open source references and restricted our analyses to only those incidents confirmed by all three sources. We assess evidence for the potential effectiveness of such a ban in preventing and controlling mass-shooting homicides in the United States. We hypothesized that the implementation of the Federal AWB contributed to a reduction in mass shooting deaths as measured by the number and rate of mass shooting fatalities before, during, and after the federal AWB.

METHODS

Mass incident shooting data were obtained from three independent, well-documented and referenced online sources: Mother Jones Magazine, the Los Angeles Times and Stanford

University.^{16–18} These sources have each been the basis for a number of previous studies.^{19–26} Data from the three online open-source references were combined. Analyses were restricted to incidents reported by all three sources. Entries were further restricted to those for which four or more fatalities (not including the shooter) were reported, which meets the strictest definition of mass shootings as defined by the Federal Bureau of Investigation.^{27,28} Yearly homicide data were obtained from the US Centers for Disease Control and Prevention Web-based Injury Statistics Query and Reporting System (WISQARS) an online database of fatal and nonfatal injury.²⁹ Because 2017 data were not yet available in the WISQARS system, data for firearm-related homicide data for that year were obtained from a separate online source.³⁰

A variable was created to indicate the 1994 to 2004 period as the federal ban period. We attempted to identify incidents involving assault weapons. An assault weapon has been defined as semiautomatic rifle that incorporates military-style features such as pistol grips, folding stocks, and high-capacity detachable magazines.³¹ In this study, assault weapons were identified using the text search terms “AK,” “AR,” “MCX,” “assault,” “assault,” or “semiautomatic” in a text field for weapon details. These terms were based on descriptions of the federal assault ban legislative language.³² The total number of mass shooting fatalities and injuries were aggregated by year and merged with the yearly firearm homicide data.

The rate of mass shooting fatalities per 10,000 firearm homicide deaths was calculated. For the years covered by the data sources, we calculated (1) the total and yearly number of mass-shooting incidents that met the strictest criteria and were confirmed by all three sources, (2) the number of all weapon (assault and nonassault weapons) mass-shooting fatalities, and (3) the case-fatality ratio of all-weapon mass-shooting fatalities per 100 total mass-shooting fatalities and injuries. The yearly case-fatality ratio was plotted with overlying Loess line for trend and standard error limits. We also plotted the yearly rate of mass shooting fatalities per 10,000 firearm-related homicides with an overlying simple linear model with year as the predictor for (1) the total period, and (2) for preban, ban, and postban periods.

We evaluated assumptions of normality and linearity of the data using graphical methods such as density plots and Q-Q normal plots as well as summary statistics. We tested the hypothesis that the federal ban period was associated with a decrease in the number and rate of mass-shooting fatalities in the United States with a multiple linear regression model, with total homicide-based mass-shooting fatality rate as the outcome variable, a dichotomous indicator variable for the federal ban period as the predictor variable, and year as a control variable for trend over time. We calculated the relative risk of mass shooting fatalities during the federal ban period compared to nonban periods by using the “epitab” function of the R “epitools” package. This estimate is based on the ratio of the fatality rate during the ban period divided by the fatality rate during the nonban period. All results are presented with two-sided *p* values with a significance level of 0.05 and/or 95% confidence intervals (CI). We conducted subgroup analysis with data restricted to incidents in which an assault-type weapon was explicitly noted.

We conducted analyses to test the sensitivity of our results to the choice of denominator with linear regression models controlling

for trend with yearly rates based on (1) CDC WISQARS homicide data ending in 2016, (2) extrapolated CDC WISQARS homicide data for 2017, and (3) population denominator-based rates. We tested the robustness of our underlying modeling assumptions with an alternate mixed-effects generalized linear model of yearly mass shooting fatality counts with an observation-level random effect to account for overdispersion.

The study was determined to be exempt as nonidentifiable data. The study data and analytic code are available for download at <http://www.injuryepi.org/styled-2/>.

RESULTS

The three data sources listed incidents ranging in number from 51 (LA Times) to 335 (Stanford) and in dates from 1966 (Stanford) to 2018 (LA Times). There were a total of 51 reported cases of mass shootings between 1981 and 2017 confirmed by all three sources. Forty-four of these incidents met the strictest criteria for mass shootings (4 or more killed), totaling 501 all-weapon fatalities. In total 1,460 persons were injured or killed over the 37-year period, for a total case-fatality ratio of 34.3% (95% CI, 31.9–36.8). The overall rate of mass shooting fatalities per 10,000 firearm-related homicides was 10.2 (95% CI, 9.4–11.2). There was an increase in the all-weapon yearly number of mass-shooting fatalities in the United States during the study period, (Fig. 1) and evidence of a decrease in case fatality in the post-2010 period (Fig. 2). Incidents in which weapons were characterized as assault rifles accounted for 430 or 85.8% of mass-shooting fatalities (95% CI, 82.8–88.9). Weapons characterized as assault rifles accounted for all mass-shooting fatalities in 15 (62.5%) of the 24 (95% CI, 42.6–78.9) years for which a mass-shooting incident was reported, accounting for a total of 230 fatalities in those years.

Between 1981 and 2017, mass shootings in the United States accounted for an increasing proportion of all firearm-related homicides, with increment in year accounting for nearly 32% of the overall variance in the data. During the years in which the AWB was in effect, this slope decreased, with an increase in the slope of yearly mass-shooting homicides in the postban period

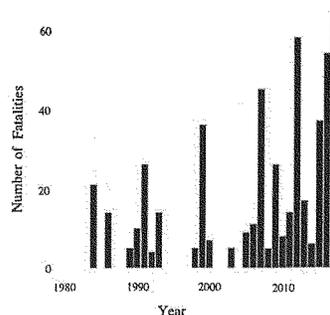


Figure 1. Mass shooting deaths, United States 1981–2017.

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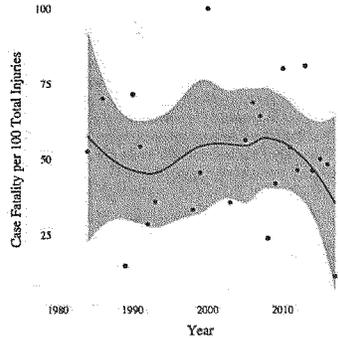


Figure 2. Case fatality per 100 total mass-shooting injuries with loess smoothing line for trend and standard error bounds. United States 1981–2017.

(Fig. 3). A similar pattern was evident in data restricted to those incidents characterized as involving assault weapons (Fig. 4).

In a linear regression model controlling for yearly trend, the federal ban period was associated with a statistically significant 9 fewer mass shooting-related deaths per 10,000 firearm homicides per year (Table 1). The model indicated that year and federal ban period alone accounted for nearly 40% of all the variation in the data (adjusted $R^2 = 0.37$). A subanalysis

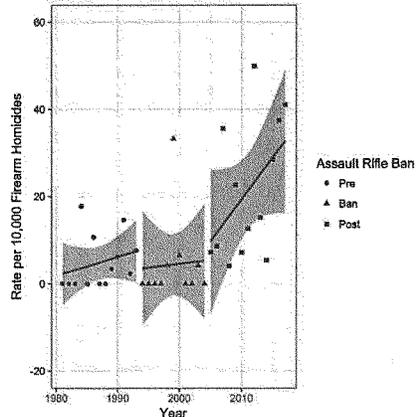


Figure 3. Mass shooting deaths per 10,000 firearm-related homicides with linear trends for preban, ban, and postban periods. United States 1981–2017.

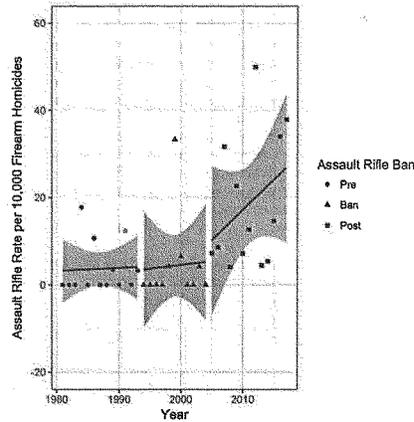


Figure 4. Mass-shooting shooting deaths per 10,000 firearm-related homicides restricted to incidents involving assault weapons with linear trends for preban, ban, and postban periods. United States 1981–2017.

restricted to just those incidents characterized by the use of an assault weapon indicated that seven preventable deaths during the ban period were due to assault weapons alone (Table 2).

The risk of mass shooting fatalities during the federal ban period was 53 per 140,515 total firearm homicides compared with 448 per 348,528 during the nonban periods, for a risk ratio of 0.30 (95% CI, 0.22–0.39). The calculated risk ratio for the association of the federal ban period with mass-shooting fatalities as a proportion of all firearm-related homicides was 0.29 (95% CI, 0.22–0.29), indicating that mass shooting fatalities were 70% less likely to occur during the federal ban period.

The results of our sensitivity analyses were consistent with our main analyses for total mass shooting fatalities. In a linear regression analysis controlling for yearly trend and restricted to the period ending in 2016 using just CDC WISQARS homicide data as the denominator, the effect of ban period was associated with a statistically significant eight fewer mass shooting related deaths per 10,000 firearm homicides per year (coefficient for ban period, 8.0; $p = 0.05$). In a similar model using extrapolated CDC WISQARS homicide data for 2017 instead of Online Gun Violence Archive data as the denominator, the effect of ban

TABLE 1. Linear Regression Effect of 1994–2004 Federal Assault Weapon Ban on Mass-Shooting Deaths per 10,000 Firearm Homicides, United States, 1981–2017

Variable	Estimate	Std. Error	t	p
(Intercept)	-1409.4	333.0	-4.2	0.0002
Year	0.7	0.2	4.3	0.0001
Ban Period	-8.6	3.9	-2.2	0.03

TABLE 2. Linear Regression Effect of 1994–2004 Federal Assault Weapon Ban on Mass-Shooting Deaths Characterized by Use of Assault Weapon per 10,000 Firearm Homicides, United States, 1981–2017

Variable	Estimate	Std. Error	t	p
(Intercept)	-1219.7	333.9	-3.7	0.0009
Year	0.6	0.2	3.7	0.0008
Ban	-6.7	3.9	-1.7	0.09

period was associated with a statistically significant 9 fewer mass shooting related deaths per 10,000 firearm homicides per year (coefficient for ban period, 8.6; $p = 0.03$). A model based on the total yearly US population as the denominator, the effect of ban period was associated with a statistically significant 0.4 fewer mass shooting related deaths per 10,000,000 population (coefficient for ban period, 0.4; $p = 0.02$).

The results of a mixed-effects generalized linear Poisson model of yearly mass shooting fatality counts with an observation-level random effect to account for overdispersion were very similar whether the offset variable was the number of total firearm deaths or the population size. In either case, the assault weapons ban period was associated with an approximately 85% reduction in mass shooting fatalities (Table 3).

DISCUSSION

Recently, 75% of members of the American College of Surgeons Committee on Trauma endorsed restrictions to “civilian access to assault rifles (magazine fed, semiautomatic, i.e., AR-15),”³³ and 76% of the Board of Governors were in favor of a limit to “... civilian access to ammunition designed for military or law enforcement use (that is, armor piercing, large magazine capacity).”³⁴ In 2015, the American College of Surgeons joined seven of the largest most prestigious professional health organizations in the United States and the American Bar Association to call for “restricting the manufacture and sale of military-style assault weapons and large-capacity magazines for civilian use.”³⁵ This analysis adds evidence to support these recommendations.

No observational epidemiologic study can answer the question whether the 1994 US federal assault ban was causally related to preventing mass-shooting homicides. However, this study adds to the evidence by narrowly focusing our question on the potential effect of a national assault weapon ban on mass shootings as measured through the lens of case fatality. While the data are amenable to a number of additional analyses, such as stratification by location (e.g. school vs. nonschool) or by characterization of large-capacity magazines versus non large-capacity magazine, we chose to focus only on year of occurrence and total number of fatalities. In this way, we relied on the least subjective aspects of the published reports. We believe our results support the conclusion that the ban period was associated with fewer overall mass-shooting homicides. These results are also consistent with a similar study of the effect of a 1996 ban on assault type weapons in Australia after which mass-shooting fatalities dropped to zero.³⁶

While the absolute effects of our regression analyses appear modest (7 to 9 fewer deaths per 10,000 firearm-homicides),

it must be interpreted in the context of the overall number of such fatalities, which ranges from none to 60 in any given year in our data. However, if our linear regression estimate of 9 fewer mass shooting-related deaths per 10,000 homicides is correct, an assault weapons ban would have prevented 314 of the 448 or 70% of the mass shooting deaths during the nonban periods under study. Notably, this estimate is roughly consistent with our odds ratio estimate and Poisson model results.

Our results add to the documentation that mass shooting-related homicides are indeed increasing, most rapidly in the postban period, and that these incidents are frequently associated with weapons characterized as assault rifles by the language of the 1994 AWB. We did not find an increase in the case fatality ratio of mass-shooting deaths to mass-shooting injuries. This might at first seem counterintuitive and paradoxical. The destructive effect of these weapons is unequivocal. They are engineered to cause maximum tissue damage rapidly to the greatest number of targets. However, it may be that the use of these kinds of weapons results in indiscriminate injury with additional rounds more likely to injure more people increasing the denominator in a case-fatality ratio. By contrast, the use of nonassault weapons may result in more precise targeting of victims. It is also possible that improvements in trauma care are driving down case fatality.³⁷ Also, it is worth noting that in absolute terms, there were many more fatalities outside the ban period and that survivable injury comes with its own physical, emotional, and economic costs, which have been estimated at US \$32,237 per hospital admission.³⁸

Despite US federal funding restrictions on firearm-related research dating to 1996,^{39,40} there is a small but growing number of analyses of mass shooting violence in the United States. Many articles have focused on the mental health aspects of these incidents,^{41–43} or on social effects like increased firearm acquisition following mass shootings.^{44,45} However, fewer studies have taken a strictly public health or clinical approach. Among these, an autopsy-based study of the incidence and severity of mass-shooting casualties concluded the wound patterns differed sufficiently from combat injuries to require new management strategies, indicating there is much to be learned from a systematic epidemiological perspective.⁴⁶ Recently, there have been calls to remove such funding restrictions from both academics and elected officials from across the political spectrum.^{47,48}

Our choice of data and analytic approach may reasonably be debated. We chose to base our analyses on the yearly rate of mass shooting fatalities per 10,000 overall firearm homicides. This is not a population-based risk estimate, but is in fact a risk as commonly used in the epidemiologic literature which is essentially a probability statement, that is, the number of events

TABLE 3. Exponentiated Coefficients Generalized Linear Poisson Model

Variable	Homicide Offset		Population Offset	
	Estimate	95% CI	Estimate	95% CI
Year	0.6	0.2	3.7	0.0008
Ban	-6.7	3.9	-1.7	0.09

Effect of 1994–2004 federal assault weapon ban on mass-shooting death counts, United States, 1981–2017.

that occurred over the number of times that event could occur. It is the risk of a homicide occurring as a result of a mass shooting. It may be considered a strong assumption to build mass shooting death rates based on the overall firearm homicide rate. The demographics of most homicide victims may differ appreciably from those of mass shooting victims. We selected this approach from among a number of imperfect potential denominators, believing that basing the rates on the number of firearm-homicides partly controls for secular trends in overall homicides and firearm availability. Our sensitivity analyses indicate that our results were robust to most any choice of denominator. We chose linear regression as our primary model because it was straightforward, accessible to most readers, accounted for linear trends in the data, and returned results in the metric in which we were most interested, that is, changes in the rate of fatalities. Our comparative Poisson model results were essentially consistent with the primary model.

These analyses are subject to a number of additional limitations and caveats, primary among which is that there is no authoritative source of data on mass shooting, and any one source may be biased and incomplete. It was for this reason that we chose to combine three independent sources of data, each with its own strengths and weaknesses, and base our analyses only on those numbers that were verified by all three sources. We further restricted our analyses to only the number of fatalities and the year in which the incident occurred, and to the strictest definition of mass shootings as defined by the Federal Bureau of Investigation.^{27,28} Even with this approach, the data remain imprecise and subject to differing definitions. We attempted to compensate for this by framing our questions as precisely as possible, following the advice of the scientist and statistician John Tukey to pursue, "... an approximate answer to the right question ... (rather) than the exact answer to the wrong question..."⁴⁹ In this study, we failed to falsify the hypothesis that the AWB was associated with a decrease in mass shooting fatalities in the United States. However, it is important to note that our model did not include important and potentially confounding factors like state-level and local differences in assault weapon laws following the sun-downing of the federal AWB. Additional analyses including such variables and using approaches like propensity score matching and regression discontinuity⁴⁹ with data further aggregated to state and local levels are necessary to test the strength and consistency of our results.

Federally referenced denominator data were not available for the last year of the study. We chose to use data from the Online Gun Violence Archive to account for firearm homicide in 2017. This resource is a nonpartisan not-for-profit group founded and maintained by a retired computer systems analyst and gun advocate.⁵⁰ The alternative would have been to extrapolate from the CDC data, but the 15,593 firearm-related homicides reported by the Online Gun Violence Archive in 2017 was more consistent with the 14,415 reported by CDC in 2016 compared with the 11,599 predicted by an extrapolation and returned more conservative estimates of the increased rate of recent mass shootings. We note there were many years in which the number of mass-shooting fatalities is listed as zero. There were, in fact, fatalities and incidents in those years that could meet a definition of mass shooting, but they were not reported by all three sources, or did not meet the strict criteria we set for this analysis.

An assault weapon ban is not a panacea, nor do our analyses indicate that an assault weapon ban will result in fewer overall firearm-related homicides. It is important to recognize that suicides make up the majority of firearm-related deaths in the United States, accounting for 60.7% of 36,252 deaths from firearms in 2015.⁵¹ However, while this is a critically important issue in its own right, suicides differ fundamentally from mass-shootings, and are unlikely to be affected by an assault weapons ban. Also, compared with the 501 mass-shooting fatalities we counted, there were 489,043 firearm-related homicides in the United States. Public health efforts should be directed at reducing all gun violence and must be multipronged, including targeted initiatives to address mental illness and reducing access to weapons in those with a propensity for violence. However, taken in the context of the increase in mass shootings in the United States, these results support the conclusion that the federal AWB of 1994 to 2004 was effective in reducing mass shooting-related homicides in the United States, and we believe our results support a re-institution of the 1994 federal assault weapons ban as a way to prevent and control mass shooting fatalities in the United States.

DISCLOSURE

The authors have no conflicts of interest to declare. There are no federal or nonfederal funding sources associated with this study.

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DISCUSSION

Ernest E. "Gene" Moore, MD (Denver, Colorado): Thank you, Dr. Rotondo and Dr. Reilly. Can I please have the discussion video. [sounds of a gun shooting]. Well, that is the AR15 rifle. Literally, 30 potential lethal shots delivered within 10 seconds. Is this safe to have in our society?

I congratulate Dr. DiMaggio and his colleagues from NYU for their superb presentation on a very timely issue. The AAST has had a long-term interest in reducing gun violence in the United States, and has recently published our 14-point approach. Access to assault rifles is one of them. At a reductionist level, mass shootings are the net result of (1) a deranged person intending to kill random individuals in a populated area, and (2) the use of an assault rifle. Since we seem to be unable to identify

the active shooter preemptively, we are left with the alternative solution of eliminating the weapon.

The presentation today provides evidence that a federal assault weapon ban can reduce mass shootings. According to our recent national trauma surgeon surveys, three-fourths of us in the audience, including me, would like to believe the analysis; but I think we need to consider some of the potential limitations.

Many of these issues relate to the fact that research support for gun violence control in the United States remains frustratingly suppressed and fundamentally inadequate. The general lack of information, low quality of data, and need to merge data sets from diverse sources – medical, coroner, police, legal, and behavioral – compounded by scarce funding and public controversy, undermine research to inform policy and enlighten the public. The fact that you had to compare three open-access databases to be certain that the reported mass shootings occurred underscores this deficiency.

Furthermore, there is no definition of a mass shooting, although you employed perhaps the most acceptable at the moment – the FBI's definition. Could you explain for us the rationale for this definition?

You present an analysis of 44 events with four or more deaths, including the shooter, from 1981 to 2017 – a 36-year period; whereas, others suggest a much higher incidence, such as Klaveras, who reported 69 shootings of six or more over the past 27 years.

Identifying all known mass shootings per year during a study period would be useful to appreciate the overall trends, as your data somewhat understates the magnitude of mass shootings in the United States.

You employed the Gun Violence Archive to estimate homicides in 2017. Why did you not use this source for mass shootings? The Archive has reported an alarming 261 mass shootings – defined as six or more shot – thus far in 2018. Nonetheless, in the sample you studied, assault rifles accounted for greater than 85 percent of the fatalities, and this is the key issue.

You have evaluated the impact of the federal assault rifle ban by analyzing the rate of mass shootings per 10,000 firearm homicide deaths per year to adjust for confounders. This would assume that the factors influencing mass shootings are the same as those for homicides, which seems very unlikely. You have indicated that you analyzed mass-shooting fatalities per population per year; perhaps you could elaborate more about this analysis.

Another confounder as acknowledged in the presentation is the impact of individual state limitations on magazine capacity. The first state to enforce these limitations was New Jersey in 1990, and now at least eight states and Washington, D.C., have these restrictions in effect. How can we distinguish the effects of this policy? And could this be a potential bridge to ultimately reestablish a national assault rifle ban?

You have also calculated the case fatality of all weapons in mass shootings per 100 total shootings, finding a decrease since 2010. While you conjecture this may be due to indiscriminate injury from assault rifles or possibly attributed to better trauma care, I am uncertain how this is relevant to the issue of banning assault rifles. The Las Vegas shooting is a cogent example of how these data may be misleading.

Finally, there is the issue of so-called falsification that could be addressed by examining other causes of trauma mortality during this time period.

In sum, this study adds to overwhelming evidence that assault rifles are an essential component in the dramatic escalation of mass shootings in the United States. While the scientific data to support a federal ban on civilian assault rifles is imperfect due to inadequate research support, I submit collectively the existing information argues strongly for enactment of this measure, and compliment the authors for their timely contribution.

Sheldon H. Teperman, MD (Bronx, New York): Dr. DiMaggio, your home institution, Bellevue, plays a seminal role in the trauma center safety of our nation.

In fact, right now, your trauma medical director is not present with us, but he is at home on guard for the U.N. General Assembly. But in New York, we don't see long-gun injuries. New York has the Safe Act, and there is an assault weapons ban. So why is it so important to America's trauma center – Bellevue – that we see a national ban on assault rifles?

Charles E. Lucas, MD (Detroit, Michigan): Thank you for your nice presentation. How many of these incidents occurred in an inner-city environment, where most of the victims that we treat have received multiple wounds which were purposely inflicted in order to compete competitively for the distribution of heroin and other drugs? Also, how many of the assailants were African-American?

Martin A. Croce, MD (Memphis, Tennessee): Thank you. I want to commend the authors for an excellent study, and really, not so much to ask any questions but I rise to put out a plea to the membership that this issue is a public health problem.

This is not a right versus left problem, this is not a Second Amendment problem. This is a public health problem.

And to quote Wayne Meredith at one of the recent Board meetings, "Our primary goal is to reduce the number of bullet holes in people." So I implore the Membership to correct this dearth of research that is going on about gun violence in order to promote a public health approach, so that we can reduce the number of bullet holes in people.

Deborah A. Kulis, MD (Las Vegas, Nevada): And to carry on that thought, I would urge the authors to incorporate the public health data from the CDC when it is available, because part of the methodological issues for this paper is that one data set was used for a certain period of time.

But for the last year, the CDC data was not used because it was not available, so I would urge you to not only do that analysis, but I would also urge the Journal of Trauma to consider an update to that article when that is available. Thank you.

Charles DiMaggio, MPH, PhD (New York, New York): Thank you very much for all these comments and questions.

Dr. Moore, so with regard to your observation about the reductionist approach to looking at this particular issue, that puts me in the mind very much of the traditional epidemiologic triad of agent, host, and environment, and if you break one link in that connection, you can break the transmission. In this case, we could call assault weapons one link, whether it's agent or host, we can decide.

With regards to the rationale for the definition, I think it's reflective of the lack of research in this area.

A case definition is an essential and critical first step in any epidemiologic investigation, and you can see that we are barely there. I think the FBI definition makes sense, I think it's the oldest one, I think it's informed by expert consensus.

And I think all the other definitions are based in some form on that, which is why we chose it. And I would urge that if we are going to be doing this research going forward, probably it would be best if we all had the consensus that that be the definition.

Why did we not use the Gun Violence Archive to estimate some of these results, and why are our numbers so much smaller than some of the other numbers? I have to agree, our numbers are very much an under-count.

We restricted our analysis to these three databases. And so the limiting factor was the one database. And I can tell you it was the LA Times – they had the fewest number. And if it wasn't in the LA Times, then the other databases didn't contribute to this data set.

We felt that the important aspect of this particular study was to demonstrate the relative effects, merits or associations with the assault weapon ban as opposed to documenting the absolute numbers.

So the Gun Archive, for example, defines mass shootings as four or more deaths or injuries. That really raises the number of deaths that can be included. We didn't include it, but I think going forward we absolutely should.

With regard to the analysis using population denominators, we agree, actually, that gun homicides are an imperfect denominator. We also felt that population was an imperfect denominator. And again, as we keep on circling around, it has to do with the data in this case.

We did feel that gun homicides captured something about gun availability and criminality in the United States, although homicides themselves differ very much from these mass shooting fatalities.

We do note that our population-based results essentially mirrored the gun homicide results, indicating that, at least for the relative effects and benefits of the assault weapons ban, the

results are robust and invariant to the choice of denominator in this case.

Can we distinguish local effects, and could this possibly be a bridge to reestablishing an assault rifle ban? The short answer is yes and yes. We can distinguish local effects.

We took a very broad approach on this particular study as a first pass on the data. But, there are data sources (and even within the data sources we used) where you can tease out local, municipal and state policies.

Also, we can link our data to other sources that have those variables. There are statistical methods available that will not only account for those variables, but also allow us to measure or estimate in some way the contribution of local or regional variation in these policies to the overall effectiveness.

The issue of the case fatality rate is very interesting and challenging. I want to note that there was a paper in JAMA on September 11th – just a couple of weeks ago – looking at mass shooter fatalities, that came essentially to the same conclusion – that there has been this recent decrease.

In our paper, in this write-up, we look at three potential explanations, and one of them is, first of all, it's just a matter of denominator. These are indiscriminate weapons.

You have someone shooting at a large group of people, and there are going to be more injuries and more casualties, and it just inflates the denominator in this case.

The second thing is, the obverse of that, is single-fire weapons, guns, are very personal weapons. They're usually characterized by someone who knows who they want to kill. And finally, we feel that perhaps there may be some improvement by the folks in this room in treating these.

I'm going to close at this point, given the time constraints.

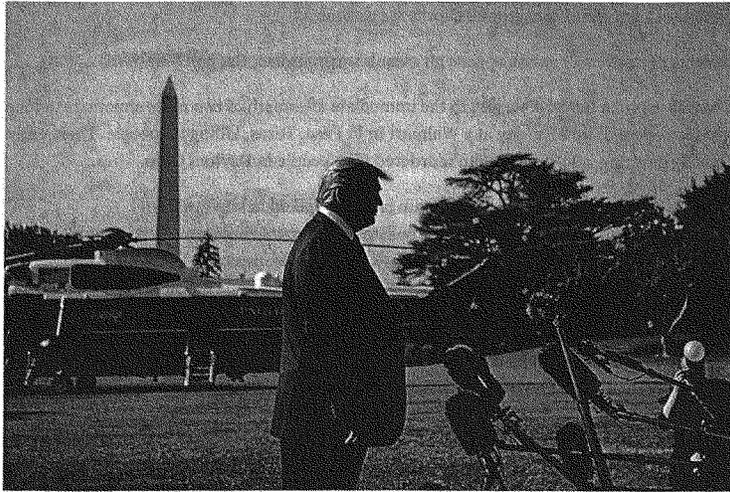
Mr. CICILLINE. An article reflecting a poll by Morning Consult showing 70 percent of Americans, including the majority of Republicans, support an assault weapons ban.

Mr. DEUTCH. Without objection.
[The information follows:]

MR. CICILLINE FOR THE RECORD

POLITICO

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Overall, nearly three-in-four voters, 73 percent, support stricter gun laws, according to a new POLITICO/Morning Consult poll. | Zach Gibson/Getty Images

POLITICO/MORNING CONSULT POLL

Poll: Most Republicans support assault weapons ban, despite Trump saying 'no appetite'

By **STEVEN SHEPARD** | 08/07/2019 05:00 PM EDT | Updated 08/07/2019 06:24 PM EDT

Most Republicans would support legislation banning assault-style weapons, a new POLITICO/Morning Consult poll found Wednesday- a finding that contradicts President Donald Trump's claim earlier the same day that there's "no political appetite" for such restrictions.

The poll found that nearly 70 percent of all voters would back such a ban. Support for an assault-weapons ban was higher, at 86 percent, among Democrats, who have been pushing for new restrictions on the firearms in the wake of two mass shootings over the weekend.

Republicans typically are more reticent to support new gun restrictions, and Trump campaigned in 2016 on his strong support for the Second Amendment. But the poll found that 55 percent of GOP voters were comfortable with banning assault weapons, and 54 percent said they would support stricter gun laws more generally. Ninety percent said they would back universal background checks for gun sales.

Only 23 percent of all voters oppose an assault weapons ban, the poll found.

The poll was conducted Aug. 5-7, in the immediate aftermath of two mass shootings. A lone gunman opened fire Saturday at a Walmart in El Paso, Texas, killing 22 people. Then, early Sunday morning, another gunman murdered nine people in Dayton, Ohio.

In the past, support for strengthening gun laws has spiked in surveys from POLITICO/Morning Consult and other pollsters after mass shootings. Support typically recedes in the weeks after the attacks, though many of the measures being proposed in the wake of this weekend's shootings remain broadly - and, in some cases, overwhelmingly - popular even outside these temporal surges.

Overall, 73 percent of voters support stricter gun laws, the poll shows - up from 67 percent in the spring of 2018. The remaining 27 percent oppose stricter gun laws. Majorities of Democrats (91 percent), Republicans (54 percent) and independents (70 percent) support stricter gun laws.

Voters almost unanimously want mandatory universal background checks on gun purchasers. More than 91 percent support requiring background checks for all gun sales. Only 5 percent of voters oppose background checks.

While Trump poured cold water Wednesday on a possible assault weapons ban, he said he was optimistic background-check legislation could reach his desk, despite past congressional inaction on the issue.

"There is a great appetite, and I mean a very strong appetite, for background checks. And I think we can bring up background checks like we've never had before," Trump said. "I think both Republican[s] and Democrat[s] are getting close to a bill on - to doing something with background checks."

But a number of other proposed measures are also very popular, the POLITICO/Morning Consult poll shows: 89 percent of voters want to block gun sales to people who have been reported as dangerous to law enforcement by mental health providers. Only 6 percent of voters oppose those restrictions.

Eighty-four percent of voters want to prevent people convicted of violent misdemeanors from purchasing guns. A similar percentage, 83 percent, support limiting gun purchases to those 21 and older. Eighty percent think there should be a mandatory three-day waiting period before someone can take home a gun. And 72 percent support banning high-capacity magazines.

But although voters support these measures, they aren't optimistic Congress will act, even after this weekend's shootings. Only 39 percent said they think it's very or somewhat likely

Congress passes gun control legislation in the next year. A slight majority, 52 percent, said it's either not very likely or not likely at all.

Backing for a number of gun-safety measures also doesn't mean voters have antipathy for gun rights. Voters are split when asked which is more important: limiting gun ownership (44 percent) or protecting Americans' right to own guns (44 percent).

And slightly more voters said the National Rifle Association supports policies that are mostly good for the U.S., 39 percent, than mostly bad for the U.S., 36 percent.

But between federal inaction on gun control and the El Paso shooting suspect's apparent political motive, the poll suggests voters believe Trump should be doing more.

"Voters are more inclined to hold President Trump responsible for mass shootings following this weekend's gun violence in Dayton and El Paso," Tyler Sinclair, Morning Consult's vice president, said in a statement. "Notably, 30 percent of voters say they blame President Trump 'a lot' for mass shootings, compared to 21 percent who said the same after the Parkland school massacre."

The POLITICO/Morning Consult poll surveyed 1,960 registered voters and has a margin of error of plus or minus 2 percentage points.

Morning Consult is a nonpartisan media and technology company that provides data-driven research and insights on politics, policy and business strategy.

More details on the poll and its methodology can be found in these two documents:

Toplines: <https://politi.co/33iSzKd> | Crosstabs: <https://politi.co/2Kw1wY8>

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Mr. CICILLINE. Finally, a Fox News poll that shows 67 percent of Americans support an assault weapons ban.

Mr. DEUTCH. Without objection.

[The information follows.]

MR. CICILLINE FOR THE RECORD

FOX NEWS POLL · Published August 14

Fox News Poll: Most back gun restrictions after shootings, Trump ratings down

By Dana Blanton | Fox News



00:00 / 04:48



President Trump addresses gun control, proposes 'red flag' laws

House Minority Whip Steve Scalise says 'red flag' laws could pose a threat to due process.

In the wake of two mass shootings, overwhelming and bipartisan majorities of voters favor background checks on gun buyers and taking guns from people who are a danger to themselves or others, according to the latest Fox News Poll. Two-thirds also support a ban on "assault weapons," although that majority is largely driven by Democrats.

But asked to choose one or the other, voters would rather live in a country where gun ownership is legal than one where guns are banned.

The poll was conducted August 11-13, about a week after mass shootings involving assault-style weapons in El Paso, Texas and Dayton, Ohio. The alleged El Paso shooter reportedly penned an anti-immigrant manifesto. The motive of the alleged Dayton shooter is unknown.

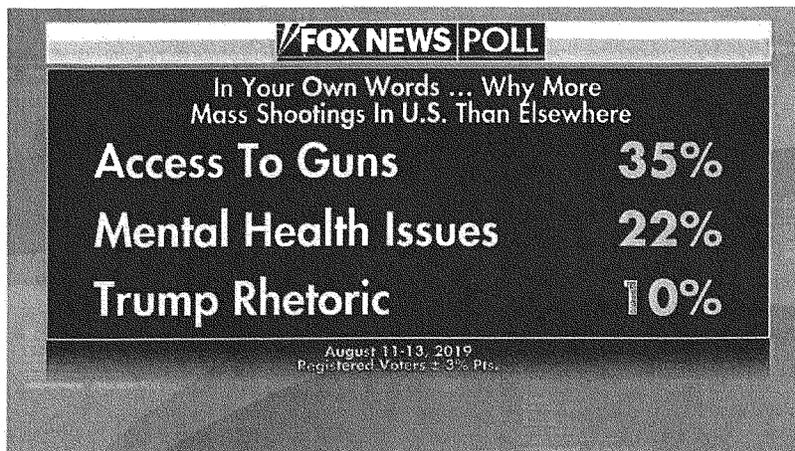
An equal number, 56 percent, place a great deal of blame for mass shootings on easy access to guns and a lack of services for mentally ill people with violent tendencies. Four in 10 blame expressions of white nationalism (40 percent) and inadequate parenting (39 percent). About a third point to sentiments expressed by President Trump (34 percent) and anti-immigrant sentiment (33 percent). Less than a quarter say violent video games (23 percent) and sentiments expressed by Democratic political leaders (15 percent).

Democrats are most likely to blame easy access to guns (79 percent), expressions of white nationalism (62 percent), and Trump (59 percent). For Republicans, it's a lack of services for mental illness (60 percent), bad parenting (54 percent), and access to guns (32 percent).

When voters are asked to say in their own words why mass shootings happen more often in the U.S. than elsewhere, their top three responses are: access to guns (35 percent), mental health issues (22 percent), and Trump rhetoric (10 percent).

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Fox News Poll: Most back gun restrictions after shootings, Trump ratings down | Fox News



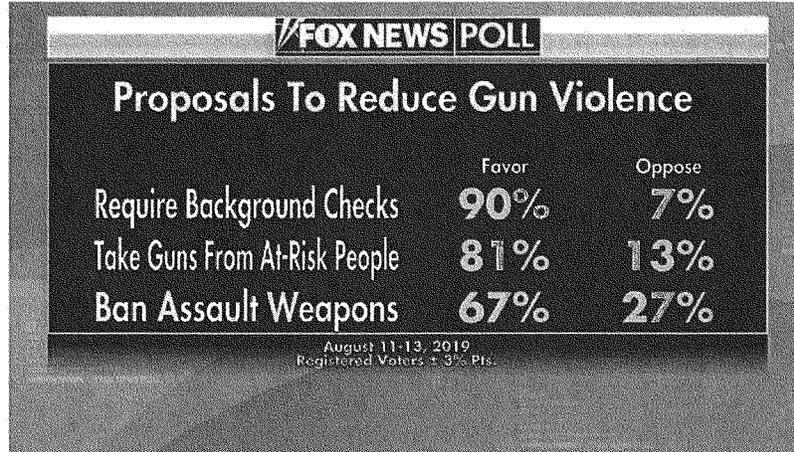
On specific measures to reduce gun violence, there's broad support for requiring criminal background checks on all gun buyers (90 percent) and passing "red flag" laws that allow police to take guns from people shown to be a danger to themselves or others (81 percent).

[CLICK HERE TO READ THE POLL RESULTS](#)

Fewer, although still a sizable 67 percent majority, favor banning assault rifles and semi-automatic weapons. That's up from 60 percent in 2018. Support includes over half of those living in a gun-owner household (53 percent). Over half of independents (58 percent) and an overwhelming majority of Democrats (86 percent) favor a ban. Republicans split 46-46 percent, which is a shift from 2018 when it was 41 favor vs. 56 oppose.

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Fox News Poll: Most back gun restrictions after shootings, Trump ratings down | Fox News



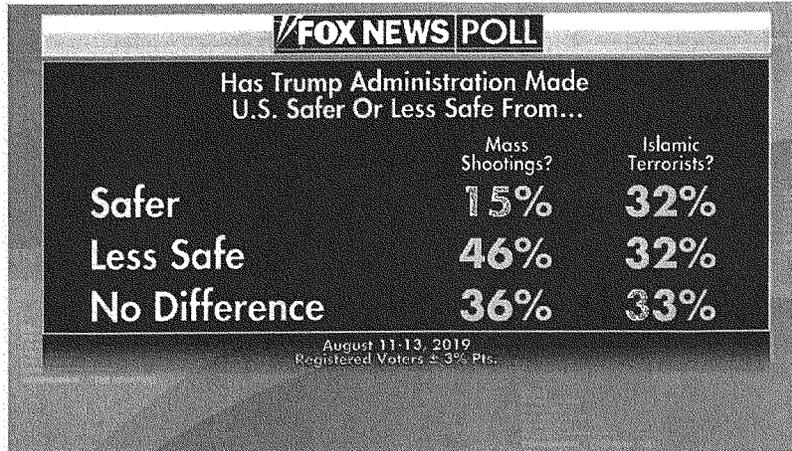
Most Democrats (88 percent) and Republicans (75 percent) favor “red flag” laws, as do voters in gun households (77 percent). Universal background checks are favored by 9 in 10 Democrats (92 percent), Republicans (89 percent), and gun households (93 percent).

Some 71 percent think the government has the ability to reduce gun violence, yet only 18 percent feel it’s extremely or very likely Congress will act this year – and 42 percent say there’s no chance at all.

Approval of Trump’s response to the shootings stands at 37 percent, and 46 percent think the administration has made the country less safe from mass shootings. For comparison, 32 percent think Trump has made the country less safe from Islamic terrorist attacks.

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Fox News Poll: Most back gun restrictions after shootings, Trump ratings down | Fox News



In addition, more than three times as many believe a mass shooting by an American citizen is a bigger threat than a terrorist attack by Islamic terrorists (60-17 percent). And 32 percent are less likely to attend a large-scale event since the recent shootings – that’s 12 points higher than the 20 percent who felt that way after 9/11 (October 2001).

Still, by a 57-34 percent margin, voters would rather live in a country where guns are legal, and 38 percent report someone in their household owns a gun.

Meanwhile, the president’s job ratings are increasingly negative in the shooting aftermath, as 59 percent say Trump is “tearing the country apart,” compared to 31 percent who feel he’s “drawing the country together.” Two years ago it was 56-33 percent (August 2017).

Sixty-five percent of Republicans and 54 percent of conservatives think he’s drawing the country together, while 92 percent of Democrats, 74 percent of non-whites, 59 percent of independents, and 53 percent of whites say tearing the country apart.

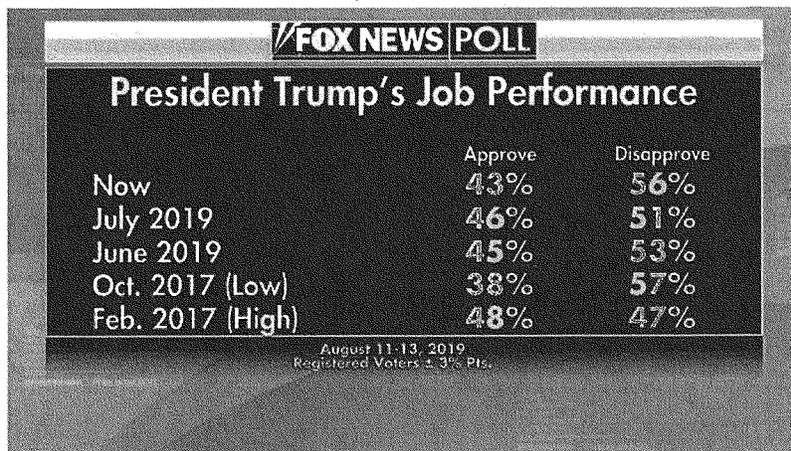
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Overall, 56 percent of voters disapprove of Trump’s performance, up from 51 percent in July. Record numbers of men (53 percent), white men (46 percent), and independents (64 percent) disapprove. His disapproval rating has only been higher once: 57 percent in October 2017.

Currently, 43 percent of voters approve of Trump, down from 46 percent last month.

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Fox News Poll: Most back gun restrictions after shootings, Trump ratings down | Fox News



The National Rifle Association receives similar marks: 42 percent have a favorable view, down from 49 percent in 2018. Forty-seven percent have an unfavorable opinion. This is the first time the organization has had a net negative rating. Positive views of the NRA are also down among gun-owner households: 56 percent versus 67 percent last year.

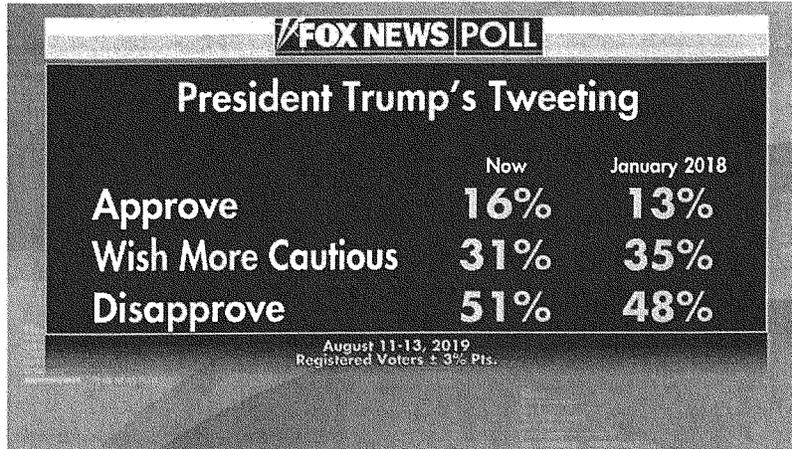
Pollpourri

The mood of the electorate is blah.

Fifty-nine percent of voters are unhappy with the way things are going in the country. That's higher than the 53 percent who were dissatisfied at Trump's 100-day mark (April 2017). Among partisans, Republicans (73 percent) alone are satisfied, as most Democrats (86 percent) and independents (63 percent) are dissatisfied.

When thinking about their personal finances, 50 percent say they are "holding steady," 26 percent "falling behind," and 22 percent "getting ahead." That's unchanged since 2018.

Most voters either disapprove (51 percent) of Trump's tweeting or wish he would be more cautious (31 percent). Sixteen percent approve.



Conducted August 11-13, 2019 under the joint direction of Beacon Research (D) and Shaw & Company (R), this Fox News Poll includes interviews with 1,013 randomly chosen registered voters nationwide who spoke with live interviewers on both landlines and cellphones. The poll has a margin of sampling error of plus or minus three percentage points for all registered voters.

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Mr. CICILLINE. Thank you, Mr. Chair. I yield back.

Mr. DEUTCH. The gentleman yields back.

[Disturbance in hearing room.]

Mr. DEUTCH. Another reminder for the audience that while we appreciate your being here, we request that you refrain from making any noise or otherwise disrupting the proceedings, or, like the last gentleman, Capitol Police will remove you from the audience so that we can return to order.

Mr. BUCK, you are recognized.

Mr. BUCK. Thank you, Mr. Chair. Ms. Whaley, you mentioned in your opening statement that the shooter in Dayton was neutralized by the police. Was the shooter killed by police?

Ms. WHALEY. Yes, Representative.

Mr. BUCK. Was he killed with a gun or several guns?

Ms. WHALEY. Several guns.

Mr. BUCK. Okay. Mr. Chipman, would you agree with me that most gun violence is caused—I am sorry—that most violence is caused by handguns, most gun violence is caused by handguns?

Mr. CHIPMAN. Most criminal gun violence, a handgun is used in that violence.

Mr. BUCK. Would you also agree with me—first of all, let me thank you for your 25 years of experience with the ATF. I spent 15 years as a Federal prosecutor, 10 years as a district attorney, worked many times with ATF, and appreciated their hard work.

Would you also agree with me that gang and gang Members are responsible for upwards of 90 percent of all violent crimes in this country, and nationwide, 80 percent of all gun-related homicides in the U.S. are caused by gang Members?

Mr. CHIPMAN. That conflicts with all the information I have.

Mr. BUCK. Have you ever used Gang Database while you were with the ATF?

Mr. CHIPMAN. Sure.

Mr. BUCK. Did you find Gang Database reliable?

Mr. CHIPMAN. It depends on what I was looking for.

Mr. BUCK. Gang affiliation?

Mr. CHIPMAN. Yeah, the gang affiliation is a very loose term that law enforcement can label people. Again, my hesitancy is that there was nothing in my 25-year experience at ATF that suggests that 90 percent of gun crime is tied to gangs, nothing at all.

Mr. BUCK. I asked you about gang affiliation but let me ask you about the NICS database. Are you familiar with the NICS database?

Mr. CHIPMAN. Yes, I am.

Mr. BUCK. Have you ever run across a false positive in a NICS database, meaning someone who has been identified as a prohibited person because of a prior felony or other reason, and yet the database indicated that this particular person who attempted to purchase a gun was prohibited, and they were not prohibited?

Mr. CHIPMAN. Yes, very rarely.

Mr. BUCK. Okay. But it happens.

Mr. CHIPMAN. It has happened.

Mr. BUCK. Okay. Ms. Swearer could we put a picture up please? Ms. Swearer, my question to you is, approximately how many AR-15s are owned in America?

Ms. SWEARER. So, there is no precise estimate, but if we are talking about the AR-15 semi-automatic general rifle platform of that nature, estimates are at least several million into upwards of 16 to 18 million.

Mr. BUCK. Upwards of 16 to 18 million. And approximately how many have been used in mass shootings in the last decade, for example?

Ms. SWEARER. Probably several dozen. I—

Mr. BUCK. Several dozen. Okay.

Ms. SWEARER. Yes, sir.

Mr. BUCK. So, several dozen minus the 16 to 18 million, my Democrat friends are suggesting that those law-abiding citizens have those weapons taken away from them. Is that correct?

Ms. SWEARER. That is my understanding. Yes, sir.

Mr. BUCK. Okay. Do you see the AR-15 that I am holding with a former member of the Judiciary Committee, Trey Gowdy, from South Carolina?

Ms. SWEARER. Yes, sir, I do.

Mr. BUCK. Can you tell, by looking at that gun, if that gun has ever killed anybody?

Ms. SWEARER. No, I cannot.

Mr. BUCK. Why is that?

Ms. SWEARER. Frankly, I don't know who is holding it. I don't know its history. If I had to guess, based on statistics alone, there is a very, very high chance it has never been used to kill an innocent human being.

Mr. BUCK. Along with the 16 to 18 million guns that are in circulation in America right now.

Ms. SWEARER. That is correct. The vast majority of them will never be used in criminal actions.

Mr. BUCK. Are those individuals—and let me just tell you, from my experience in my district in Eastern Colorado, an AR-15 is used to kill raccoons or foxes or other animals that are predators and trying to disturb individuals for trying to kill chickens or are disturbing agriculture in some way. Is that your understanding and, I am not saying a majority of that 16 to 18 million, are some of those guns used?

Ms. SWEARER. Yes. It is actually not suitable for a lot of higher-end hunting for larger game because it is actually more suitable for, as you inferred, more varmint hunting, small predator hunting.

Mr. BUCK. Okay. And what would the effect, Ms. Muller, of this particular law that we are discussing now have on law-abiding citizens in terms of either using weapons to protect domestic animals or farm animals, or for self-defense? What would the effect be for those 16 to 18 million that we have just identified with Ms. Swearer.

Ms. MULLER. It would criminalize us having the firearm that we choose to use, that as Ms. Swearer said, her mother was able to use accurately. I don't understand some of the conversation that we are having about making it more difficult for the 100 million people that might have these weapons, make it more difficult for them to control or use properly.

Mr. BUCK. I yield back.

Mr. DEUTCH. The gentleman's time has expired.

Mr. Richmond, you are recognized.

Mr. RICHMOND. Thank you, Mr. Chair, and I don't necessarily profess to be an expert in hunting varmint, but my general sense is that if you hit them with an AK-15 you are not hunting them, you are killing them, and that is the only purpose of doing it.

Let me just get two things straight with Ms. Swearer and Ms. Muller. Both of you all mentioned that the purpose you see, especially with your mother and her choosing her firearm, was accuracy and stopping power. So, when you describe characteristics for self-defense you would characterize stopping power and accuracy as primary objectives?

Ms. MULLER. Yes, sir.

Ms. SWEARER. Yes. If I have a threat, I want it to stop.

Mr. RICHMOND. Okay. Now let me go to Chief Brackney really quick, with NOBLE. Let's take the gun, the FN Five-Seven, for example, which has zero knockdown power, but its bullets will go through your shield, if you have an armor shield, and your vest. If it has zero stopping power, what self-defense purpose does that gun, the FN Five-Seven, have?

Chief BRACKNEY. It would not. When you think about stopping power and the risk of being on the other end or the receiving end of those high-velocity, high-capacity rounds, and things that can go through them, you want to think about accuracy.

I do appreciate the story about a mom having the ability to be very accurate and to have a very tight capacity and putting rounds in a place. So, think of the damage that if my mom, who is 78, God bless her, if she decided she wanted to be extremely accurate, what about the person who is very well-intentioned? How accurate could they be? How quickly could they be and the damage that they could do, very well-intentioned?

Mr. RICHMOND. Let me also ask, because I know that our law enforcement every day stop people who are citizens of the United States but who also answer to another calling and cause called sovereign citizen. If we just take my district, since I have been in Congress, I have lost five officers who were overpowered by perpetrators because they were better-armed than my police officers, one of which was in Baton Rouge, Louisiana, both within—we can argue over assault rifle, how we determine it.

Let's just, for purpose of this hearing, call them weapons of mass destruction, because there are three officers in Baton Rouge whose families will never see them again, and two in St. John Parish, who will never see them again, because in St. John Parish it was a traffic stop that initiated, and sovereign citizen does not recognize law enforcement's ability to stop them. So, they exited the car with the trailer, with an assault weapon, ambushed the officers, and they never had a chance.

If we go to Baton Rouge, the officers responded to the call, knew the perpetrator was dangerous, but they had handguns. He had a long gun, wearing body armor, and they never stood a chance.

So, in the sense of patrolling—and I guess I am trying to make a balance in between that need for a weapon of mass destruction and the need for self-defense, because I think of my family. When I thought about my family not being necessarily the best in marksmanship, I thought about having a shotgun which has a wide

spray. Then there is a gun called "The Judge," which is a—could fire a .357 bullet—it is revolve—or it could fire a shotgun shell, which is great for self-defense.

The question becomes, why such large-capacity magazines on these assault weapons and assault rifles, if we are talking about hunting? When you hunt, you miss, you load up again, you try again. If your goal is mass carnage, then you just keep pulling your trigger, or you install a bump stock and you can create multiple carnage.

So, from a law enforcement standpoint, I am trying to figure out, for the home, self-defense, are we really talking about self-defense when are talking about these weapons of mass destruction? God forbid, if you lived in an apartment complex or a community with attached homes, how the bullets will go through the walls and travel apartment after apartment after apartment, if you have the wrong one.

So, in your law enforcement estimate, does the self-defense argument hold water when you are talking about weapons that shoot such high-velocity projectiles and has such large-capacity magazines?

Chief BRACKNEY. Thank you for that. In 2009, in Pittsburgh, Pennsylvania, April 4th, a domestic case, an individual had a weapon for protection in their home. Three officers responded to that domestic because a dog urinated on the floor. When they arrived, immediately open fired ambush. I lived three homes down from that killing. The person, perpetrator, shot the officers immediately in the face as soon as they opened the door. That went through their vest. He then proceeded, with his high-powered weapon to shoot the second officer, who he thought he was playing possum. He then shot him in his face, leaving that officer a widow and two small children.

An off-duty officer was responding from around the corner. He then got out of his car. He unloaded approximately 30 rounds into that officer, who laid dying on the street, as we exchanged over 600 rounds. We were out-gunned, out-fired, out-firepowered at that time.

That weapon was supposed to be for his protection of his home. It was definitely used as an assault weapon to murder three officers in the City of Pittsburgh. That city has been traumatized. I mean, it has been 10 years, exactly, to this date. Thank you.

Mr. RICHMOND. Thank you.

Chair NADLER. [Presiding.] Thank you. The time of the gentleman has expired.

The gentleman from Texas.

Mr. GOHMERT. Thank you, Mr. Chair.

Mayor, I was curious. You had indicated in your testimony that you are here basically to ask us to do something. What bill would you like to be passed to effectively, in your words, do something?

Ms. WHALEY. Well, there are a number of bills that are before you.

Mr. GOHMERT. What would be your favorite?

Ms. WHALEY. Well, I would first, for this body, I think that the Assault Weapons Ban bill that Representative Cicilline has put forward is very thoughtful and should move forward. That bill would

affect the Dayton shooting, frankly, and so it would make a great difference, so there won't be cities like Dayton that have experienced this kind of a trauma.

Mr. GOHMERT. Okay. I appreciate that. It is just, what you hear people, especially in this committee, at times say, even if it is wrong, we need to do something, and that is not the way you maintain a constitutional republic and you maintain any freedom if it is not very thoughtful.

Doctor, you were mentioning the wounds, the horrific wounds you were dealing with, and you mentioned that normally you are dealing with pencil-hole injuries that are sometimes hard to find. Well, those pencil-hole injuries are normally made by a .223 caliber, just barely a hair bigger than a .22. Isn't that right? You were looking at more like a .308, because it was more similar to an AK-47 one, correct?

Dr. RIOS-TOVAR. I don't know the types of weapons—

Mr. GOHMERT. The nomenclature. Yeah.

Dr. RIOS-TOVAR.—to be honest.

Mr. GOHMERT. My understanding is basically a manufactured AK-47 that is much, much bigger than the AR-15, which is a .223 round, just barely bigger than a .22, whereas the AK, the nomenclature in the Army they taught us 7.62, but basically like a .308, and those can do devastating damage. My understanding is that somebody privately made that and sold that.

Dr. RIOS-TOVAR. Apart from shotgun wounds, which are also devastating because of the large impact, I haven't seen anything like this in my history as a trauma surgeon, and since then as well.

Mr. GOHMERT. I appreciate the help that you provided.

Ms. Swearer, you talked about the use of guns between 500,000 to 2 million times a year. Is that correct?

Ms. SWEARER. Yes, sir.

Mr. GOHMERT. It is rather amazing that that many times people would need to use guns to defend themselves, rather shocking. I certainly appreciate your comments about your mom. It is easier to fire one of those. I have to disagree with you when you say it has the maximum stopping power. After Vietnam, we were taught that, in the Army, that we went to the M-16—now the M-4, same nomenclature, same .223-size round—that it was faster and might be more likely to wound, but it doesn't have the stopping power of a .308.

Ms. SWEARER. To be clear, Congressman, I would not disagree with you. My intent was to show that it has more stopping power than a handgun, so she can use it more accurately and more effectively.

Mr. GOHMERT. I would have to disagree with you there. A 9 mm, a .45, a .38, they have a lot more stopping power than an AR-15 .223 round. Correct?

Ms. SWEARER. I would disagree with you, in some cases.

Mr. GOHMERT. You don't think a bullet hole from a 9 mm would do more damage than a .223 round?

Ms. SWEARER. I would say I would much rather have a 9 mm than no firearm, but generally speaking it is a combination of both stopping power and—

Mr. GOHMERT. Don't you acknowledge that your mother was more comfortable with the .223 because it doesn't have the kick, it is not as intimidating, you can refire it more easily. Correct?

Ms. SWEARER. Yes, but part of that is also just the inherent setup of a rifle. It is a more stable.

Mr. GOHMERT. We have seen the gun stats go back and forth—or crime, rather, go back and forth over the years, and it seems to me that it was related to putting criminals in jail, being tough on crime, the pendulum swings back. Now it looks like the pendulum is swinging against the law-abiding citizens for the first time, and that really is a concern.

I yield back.

Chair NADLER. The gentleman yields back. The gentleman from Georgia.

Mr. Johnson of Georgia. Thank you, Mr. Chair. 20-five years ago, we passed a law that prevented the manufacturer or sale of assault weapons for ordinary Americans, and it made a difference. Mass shooting fatalities dropped 70 percent between 1994 and 2004. Fifteen years later Congress failed the American people by allowing the assault weapons ban to sunset. That was in 2004. Since then we have had repeatedly failures. We have had repeated failures to make even modest reforms to unfettered gun access in the United States.

Because of our 15 years of inaction, we are now living a tragedy, a tragedy of repeated horrific events interspersed with lulls where American ideals of freedom and safety and justice crumble before our very eyes. For what? Because folks are afraid of the NRA?

There is a time for moderation, for cautious, restrained debate, but that ended when Sandy Hook happened, when Parkland, Pulse nightclub, El Paso, and Dayton happened. Now is the time for justice to reassert itself as a guiding American principle, and it is time for Congress to do the right thing.

According to recent polls, 7 out of 10 people are in favor of a ban on the manufacture and sale of assault weapons. There is broad consensus on this issue because it makes sense. We have done it before and we can do it again, and I look forward to hearing from our panel of esteemed witnesses on this important topic.

Now the Protection of Lawful Commerce in Arms Act was passed in 2005, the year after Congress allowed the assault weapons ban to expire. The Protection of Lawful Commerce in Arms Act prohibits people from filing wrong death lawsuits against gun manufacturers and gun dealers. When the families of the Sandy Hook victims took Remington Outdoor Company to court for mass marketing assault weapons to civilians, specifically for mass shootings, it took the case five years just to overcome a challenge under the PLCAA, and that was one of the success stories. What we don't see are all of the assault weapons cases that are not brought into civil court because of PLCAA.

Mr. Chipman, how does the existence of the Protection of Lawful Commerce in Arms Act prevent victims and their families from seeking justice?

Mr. CHIPMAN. I block them from holding an industry accountable before a court of law, like every other business in America is held accountable.

Mr. Johnson of Georgia. Civil suits often Act as a regulator to prevent negligent acts by companies that otherwise have no regulatory incentive to Act in the best interest of consumers, and not just negligent acts but intentional acts and fraudulent acts, to cover it up.

Do you believe that assault weapons companies are taking steps to avoid negligence when they manufacture these devices and sell them to civilians?

Mr. CHIPMAN. I think certainly their marketing these days is suspect. I think that even the markings on AR receivers that the company that sold in Dayton, that you can get them saying "Not made in my s-hole country" are marketing to a certain type of extreme and violent part of this country. We have seemed to balance this with cigarettes, allow people to lawfully smoke but protect our Nation from marketing that would put people at harm.

So, also, the other thing that has been effective in keeping data out is just the restrictions placed on me at ATF, the data that wouldn't hurt my criminal investigations but might be useful to this panel to decide what crime guns are the most popular amongst criminal? How do they get in criminals' hands? You don't have access to that data. It is blocked.

So, I think there is a whole host of things that make it very difficult to hold this industry accountable, like we hold accountable other industries.

Mr. Johnson of Georgia. Thank you. If PLCAA were overturned or rescinded, what difference do you think it could make in how companies sell and manufacture assault weapons?

Mr. CHIPMAN. We would have to see how things played out in court, and I have faith in our judicial systems that if victims had an opportunity to be heard in court, courts would do the right thing to protect our nation.

Mr. Johnson of Georgia. Thank you. My time has expired, and I yield back.

Chair NADLER. The gentleman yields back. The gentleman from Arizona.

Mr. BIGGS. Thank you, Mr. Chair. Fewer than 1 in 50 of all prisoners that were incarcerated for a violent crime obtained a firearm from a local retail source and possessed, carried, or used it during the offense for which they were imprisoned. Among the 287,400 prisoners who had possessed a firearm during their offense, more than half either stole it, found it at the scene of the crime, obtained it off the street or from the underground market. That is the reality of where people get guns who use them to commit crimes.

About 1.3 percent of prisoners obtained a gun from a retail source—1.3 percent. That is the reality of where people get guns, regardless of what kind of gun they have.

Studies have indicated very clearly that higher rates of gun ownership are not associated with higher rates of violent crime. Switzerland and Israel have much higher gun ownership rates than the United States but experience far fewer homicides and have much lower violent crime rates than many European nations with strict gun control laws. Canada is ranked 12th in the world for the number of civilian-owned guns per capita and reports one of the world's lowest homicide rates. Even then, some provinces have a higher

homicide rate than the United States' states, with less restrictive laws and higher rates of gun ownership.

The Brady Campaign against Gun Violence ironically makes clear this point. Gun freedom states that scored poorly, like New Hampshire, Vermont, Idaho, and Oregon, have some of the lowest homicide rates. Conversely, gun control states that received high scores, like Maryland and Illinois, experienced some of the nation's highest homicide rates.

Legally owned firearms are used for lawful purposes much more often than they are used to commit crimes or suicide. In 2013, President Barack Obama ordered the Centers for Disease Control and Prevention to assess existing research on gun violence, and this is what they found. According to the CDC, self-defense can be an important crime deterrent. Semi-automatic rifles such as the AR-15 are commonly used in self-defense, especially in homes of law-abiding citizens, because they are easier to control than handguns, more versatile than handguns, and offer the advantage of up to 30 rounds of protection.

Here are some examples of when an AR-15 has been used to save lives. Oswego, Illinois, 2018, a man with an AR-15 intervened to stop a neighbor's knife attack and cited the larger weapon's intimidation factor as the reason why the attacker dropped the knife and ended the attack, saving the purported victim.

Catawba County, North Carolina, 2018, a 17-year-old successfully fought off three armed attackers with his AR-15, saving his own life.

Houston, Texas, 2017, a homeowner survived a drive-by shooting by defending himself with his AR-15.

Broken Arrow, Oklahoma, 2017, a homeowner's son killed three would-be burglars with an AR-15, in what was found to be justifiable self-defense.

Texas, 2013, a 15-year-old boy used an AR-15 during a home invasion to save both his life and that of his 12-year-old sister from a violent armed intruder.

Rochester, New York, home intruders fled after facing an AR-15.

Ms. Muller, you served as a law enforcement officer during the time that the previous assault weapon ban was in place, from 1994 to 2004. Did you see any impact, anecdotally, on your safety as a law enforcement officer or on those you were sworn to protect and serve?

Ms. MULLER. I have previously testified that I did not see any before, during, or after, and I am listening to these numbers and I would like to follow up on the 70 percent less likely to occurring an assault weapon's ban. I don't understand that, and I don't understand why we would have allowed it to sunset if it were an effective policy.

Mr. BIGGS. Yeah, well, it was contested, and as I reported, the CDC did its own study and didn't come up with the same conclusions.

So, is there anything else that you hear today you would like to respond to?

Ms. MULLER. There is a lot.

Mr. BIGGS. Well, press on, then.

Ms. MULLER. Do I have 26 seconds?

Mr. BIGGS. Yep.

Ms. MULLER. Okay. I would like to—Congressman Richmond has already gone, but the FN Five-Seven, a little bit of education there. It shoots flatter. As a woman, it's less recoil. I love this little gun. It is not a fifty-seven. It is a Five-Seven, and it shoots flatter so I can be more accurate at longer distances. With the minimal recoil and it holds 30 rounds, for a pistol that is good. It has got kind of a weird grip but that allows me to protect myself better. This probably—and it does have knockdown power, yes.

My goal here is to educate people. We are law-abiding, responsible gun owners, and please don't legislate the 150 million people just like me into being criminals, because it has happened. You have already done it. The legislation on bump stocks, I was a bump stock owner, and I had to make a decision—do I become a felon, or do I comply?

Like that gentleman that just got escorted out, I will not comply with the assault weapons ban.

Mr. BIGGS. Thank you.

Chair NADLER. The gentleman's time has expired. The gentleman from Florida.

Mr. DEUTCH. Thank you, Chair Nadler, for calling this important hearing today. Thanks to all the witnesses for your testimony. Welcome to all the advocates. I would especially like to welcome my constituents, Fred Guttenberg, father of Jaime, and Robert Schentrup, brother of Carmen.

I ask unanimous consent to include statements from Jen Guttenberg and Ryan Deutch into the record.

[The information follows:]

MR. DEUTCH FOR THE RECORD

Orange Ribbons for Jaime

What It Is Like to Lose a Child to Gun Violence

by Jennifer Guttenberg

Co-founder of Orange Ribbons for Jaime
(in honor of my beautiful Jaime Guttenberg)

September 25, 2019

With all of the controversy over gun policies in this country, I thought this is the perfect time to discuss what it is like to lose a child to gun violence.

February 14, 2018 seemed like it was going to be an extra special day. It was Valentine's Day, and after the typical chaotic morning getting my two teenagers out the door by 7 am so that they wouldn't be late for school, I was happy we would celebrate when they arrived back home with cards, candy and gifts. Unfortunately, that never happened.

My kids were both in their respective classrooms at Marjory Stoneman Douglas High School in Parkland, FL when the fire alarm went off. It was close to the end of the day, so my son gathered his belongings and made his way outside, hoping he would be able to come straight home after the all clear. Instead, there was chaos. Gun shots were being heard. Kids were frantic. Chaos erupted. My son was told by an educator to run away from the school as far as he could. Imagine kids, with no supervision, climbing and jumping over the school fence and running down the street as fast as they could, while at the same time trying to reach their loved ones. He couldn't reach Jaime.

We got call after call from him, breathlessly panicked that he couldn't find Jaime. She wasn't answering her phone. Nobody could reach her. She had been shot as she was trying to flee the hallway into the stairwell, but she couldn't get out in time. We couldn't get anywhere close to the school. We frantically called her friends to see if they had seen her, we raced to the trauma center at the hospital on the other side of town where the injured were being sent and we drove in circles trying to get around traffic to get to her. She never arrived at the meeting place where kids were reunited with their parents. We didn't learn of her fate for many hours. Then we couldn't see her for several days. We weren't allowed to identify her, touch her or hold her. We didn't know where she was shot or how many times. We didn't know if she suffered. We knew nothing. It was torture.

Now she is spoken of in the past tense. My daughter WAS fourteen. She WAS a great student. She WAS a great friend. She WAS an amazing sister. And she WAS the best daughter that anyone could've asked for. Why? Because she was in the wrong place at the wrong time ... and that "wrong" place was school for goodness sake! In the past this would have been known as the right place for a girl of her age to be. This is UNACCEPTABLE!!!!

I can't say the shock ever wears off, but rather reality simultaneously sets in. I no longer have my daughter here with me. I will never have my daughter here with me again.

Life has changed dramatically. Within an instant, I lost my best friend. I no longer get to shuffle her around to school activities, dance, and her friends' houses. I no longer have a partner to shop with or to get pedicures together with for special occasions. I don't even want to attend any special occasions. I have nobody to watch dance shows with and nobody to do makeup on for dance competitions. I don't ever want to go to a dance competition again. I have no one to obsess about our dogs with and no one to go out for a girl's lunch with me.

I lost her because the wrong person was able to buy a weapon of mass destruction!

There are some amazing people fighting daily, including my husband, to fix the loopholes in the gun laws. But for Jaime and the 16 others who were killed that day it's too late. I am disgusted by our government and the fact that many of them fight to remain beholden to the NRA. The gun lobby has no business being in our government. They never ran for office. They weren't chosen by the American people. I am sick and tired of our congressmen/women not standing up for what is right, for what the majority of people that elected them want, and for the safety of the citizens of the United States of America.

My life is forever changed. My husband's life is forever changed. My son's life is forever changed. It's been nineteen months since Jaime's life was taken away, and

it feels like an eternity. We get to watch her friends attend homecoming, football games, dance competitions, and sweet sixteen. We get to see social media posts about them getting their driver's licenses and their first car. They get to take the SAT and apply for college. Next we will see them move out and embark on their journey of independence, start working in the career of their choice, get married to the loves of their lives, and have babies who become beloved grandchildren. We don't get to see Jaime do any of these things. She was robbed of her life and her future. We were robbed of our life with our precious daughter.

I've written several op-eds with the hopes that perhaps it will open other people's eyes and make them understand. Nobody will really know what it feels like to live with the image of your child running down the hallway for that very last time with an AR-15 pointed at her back. She was one of the unlucky ones. There are far too many unlucky ones. When it is YOUR family member that is the unlucky one, it is easy to understand. Now, it is important for EVERYONE to understand.

For now, those of us and the communities that surround us who understand will fight for change. In addition, and most importantly, we will vote those out who care more about the money in their pockets than those who have suffered and the many more who will suffer in the future due to their lack of action. This pain is unbearable. It doesn't get better. It gets more difficult with each missed a mile stone. In my family, three kisses means "I love you." Jaime always wanted ten. We gave each other ten kisses every night. In the time that has passed without her thus far, I have missed close to 6,000 kisses from my baby girl. That's just not fair . . .

Mr. DEUTCH. Seeing no objection, I will move on. Jen is the mother of Jaime Guttenberg. Jaime was a vibrant, beautiful, 14-year-old freshman at Marjory Stoneman Douglas when she was killed by an assault rifle in her school on February 14, 2018. Jen said that on that day she lost her best friend and now must live with the image of her child running down the hallway, running away from an AR-15.

Ryan was a freshman and survivor of the MSD shooting. He and others went on to find the March For Our Lives movement. Some of those students are here today and I want to welcome and recognize them.

In his testimony, Ryan said, "I am not just asking for change. I am begging for it, because I don't want to live in a country where every other day, I read about another community destroyed, another group of innocent lives ripped away from us. As Americans, we owe it to ourselves to do better, and we can."

I have all kinds of things, questions that I wanted to ask, but here is my response to what I have heard today. We have heard over and over about the people who need to have these guns, because they are easy to hunt critters, because they could be used for self-defense. These guns can also be used to hunt people. I have been carrying around this piece of paper since February 15th, 2018. I am going to read what is on it:

Alyssa Alhadeff, 14. Scott Beigel, 35; Martin Duque, Mr. Williams. Nicholas Dworet, 17. Aaron Feis, 37. Jaime Guttenberg, 14. Chris Hixon, 49. Luke Hoyer, 15. Gina Montalto, Mr. Williams. Cara Loughran, 14. Joaquin Oliver, 17. Alaina Petty, 14. Meadow Pollack, 18. Helena Ramsay, 17. Alex Schachter, 14. Carmen Schentrup, 16. Peter Wang, 15.

Every one of those 17 who were killed at Stoneman Douglas will never be older than that age, on the day they were killed.

I understand the importance of the Second Amendment, but how it is that we can have a hearing where one of the witnesses compares these weapons to shoes is just beyond me.

We are going to give a list—I have got another list. How about this list: Dayton, 9 killed, 17 injured. Las Vegas, 58 killed, 422 injured. Orlando, 49 killed, 53 injured. Sandy Hook, 27 killed, including 20 6- and 7-year-old babies, and 2 injured. Sutherland Springs, 26 killed, 20 injured. El Paso, 22 killed, 24 injured. Pittsburgh Tree of Life, 11 killed, 6 injured. At Stoneman Douglas there were also 17 who were injured.

I understand that this is not easy for everyone, but I want to everyone to understand how, for the lives who have been ripped from the face of this earth, for their families it will never be the same. What we are trying to do here, the reason this hearing is so important, is because we know that there are things that we can do to keep us safe. We heard some of them, even apart from an assault weapons ban. We heard some of them today.

Ms. Swearer, you talked about how we can identify people who pose a threat. You are right. We can. That is why we need to pass a Red Flags law so that we can keep dangerous guns out of their hands. You are right about that.

The Universal Background Checks bill that is sitting in the Senate, near universal approval. Let's pass it in the Senate.

But what we are here today to talk about is something that can prevent these kinds of attacks. Mr. Chipman, you talked about the National Firearms Act regulations to get assault weapons out of dangerous hands. You walked us through the process that it takes for someone to buy a weapon regulated under that system—registration with ATF, background checks, photos, fingerprints, and a transfer tax. You told us that it was passed after—the National Firearms Act of 1934 was passed after a Valentine's Day Massacre in 1929. We had a Valentine's Day Massacre in 2018, in my community.

Have there been efforts—are there people clamoring for us to repeal the National Firearms Act, Mr. Chipman?

Mr. CHIPMAN. No. In fact, the industry is working very hard to work around it.

Mr. DEUTCH. It is a law that has been in effect. Have we seen machine guns and sawed-off shotguns used repeatedly the way we have seen assault weapons used in these mass shootings?

Mr. CHIPMAN. No. It is a law that works.

Mr. DEUTCH. It is a law that we should amend to treat assault weapons the same way we treat machine guns and sawed-off shotguns. That will help keep our communities safe.

Mr. Chair, I am immensely grateful that you are holding this hearing today. I yield back the balance of my time.

[Applause.]

Chair NADLER. Rules of the House provide there should be no demonstrations of approval or disapproval from the audience.

Without objection, the documents referenced by the gentleman from Florida will be entered into the record.

Chair NADLER. I now recognize the gentleman from Ohio.

Mr. JORDAN. Thank you, Mr. Chair.

Ms. Swearer, did I pronounce that right?

Ms. SWEARER. Yes, sir.

Mr. JORDAN. All right. Ms. Swearer, define the type of guns the Democrats want to ban.

Ms. SWEARER. It appears to me common semi-automatic firearms that just happen to have certain features like pistol grips and barrel shrouds, even though they are functionally the equivalent of other commonly owned semi-automatic firearms.

Mr. JORDAN. Semi-automatic weapons with a magazine capacity of 10 rounds or more with scary features. Is that right?

Ms. SWEARER. Yes, sir. That is my understanding.

Mr. JORDAN. How many types of guns does that entail? Is that a lot?

Ms. SWEARER. A lot. Yes, sir.

Mr. JORDAN. All kinds of them?

Ms. SWEARER. Yes, sir.

Mr. JORDAN. I think in your opening remarks you talked about the scary features. They are just features. Other than the look, they don't change the impact the weapon may have on a bad guy trying to do someone harm, right?

Ms. SWEARER. No, sir. They don't change the function. In fact, some of them, like barrel shrouds, actually protect lawful users from things like serious burns.

Mr. JORDAN. And as I read the Second Amendment, it doesn't say the right to bear arms shall not be infringed unless the gun has scary features. It doesn't say that, does it?

Ms. SWEARER. No, sir. It does not.

Mr. JORDAN. Do you think bad guys are going to follow this law?

Ms. SWEARER. Sir, they already fail to follow many of our laws.

Mr. JORDAN. Yeah. Only good guys. Only law-abiding people like yourself, others, are going to follow this law, right?

Ms. SWEARER. Yes.

Mr. JORDAN. Do think law abiding people will be less safe to protect themselves, their family, their property, if this law that the Democrats are proposing actually happens? Or this bill that the Democrats are proposing actually becomes law?

Ms. SWEARER. I think worse than that, sir, you will see millions of otherwise law-abiding citizens become felons overnight for nothing more than having scary looking features on firearms.

Mr. JORDAN. Yeah. Do you think if a criminal suspects that a person they are thinking about targeting for a crime—if they suspect that individual may have a firearm do you think there is less chance they target them for a crime?

Ms. SWEARER. We actually know this to be the case. So, when you look at studies that have come out of the '90s between what are considered hot burglary rates, so burglary rates where individuals are home during the home invasion, that they are actually lower in the United States than in the United Kingdom.

When they follow up with those criminals, part of the reason for that is that in the United States there is a fear amongst people who would commit burglaries and home invasions—

Mr. JORDAN. Yeah.

Ms. SWEARER. —that there might be someone home who would do something.

Mr. JORDAN. It is common sense. Bad guy is walking down the street. He is trying to figure out which home he is going to rob.

In one driveway there is a pickup truck with a gun rack that says, "Make America Great Again" on the bumper sticker, right,

and in the next driveway there is a Volkswagen with a bumper sticker that says “O’Rourke for President.” Who do you think they are going to rob?

Ms. SWEARER. Sir, I will refrain from making assumptions about who gun owners are. Generally speaking, criminals do tend to take the path of least resistance.

Mr. JORDAN. Of course. I always say this. Bad guys aren’t stupid. They are just bad. They are just evil. They are not going to follow the law, and what this legislation will do is make it more difficult for law-abiding people like you, like all kinds of folks, to protect themselves when some bad guy is bent on doing something wrong.

Ms. SWEARER. Generally speaking, yes, and that is something we know happens right now between 500,000 and 2 million times a year is law-abiding Americans defending themselves with firearms.

Mr. JORDAN. Yeah.

Ms. Muller, do you want to add anything? I got a minute 30.

Ms. MULLER. Yes, sir. Yes, sir.

First, anybody in here who has endured any kind of unspeakable violence or lost loved ones, I want to say thank you or I am sorry because I want somebody there immediately.

I want you to be your own first responder and I will be glad to talk to you about how to keep your family safe. I am sorry that this has happened to you and my community is the first one that wants to make sure everybody is safe with a firearm.

These gun-free zones, 90 percent—over 90 percent—what we are talking about, these mass murders, are happening in gun-free zones.

Every time you guys legislate against the gun owner; you are counterproductive. It breaks my heart to hear these stories of these kids and their ages, and you have to put people back together in the hospital. It is—

Mr. JORDAN. Ms. Muller, sorry to interrupt here. Let me ask you one question. This is a ban on sale of this type of weapon as defined under the Democrats’ legislation, as we move forward.

But do you think this is just a first step? Do you take former Congressman O’Rourke at his word when he says, we are going to take these type of weapons—we are going to get these weapons? Do you think this is just step one that they are proposing?

Ms. MULLER. Yes. That is what I think the millions of gun owners are fearful in allowing this death by a thousand cuts.

We have already had panelists here that say that every firearm is capable, lethal, and if it can hunt a human then it shouldn’t be in our hands.

So, and Mr. O’Rourke did probably expose a plan that that they have been denying for so long. We feel it. We know it. You can say it and call it whatever you want. But we know it is a slippery slope.

Mr. JORDAN. I think the—

Chair NADLER. The time of the gentleman has expired.

The gentleman from California?

Mr. SWALWELL. Thank you, Chair, and I want to thank the gentleman from Rhode Island, Mr. Cicilline, for bringing this legislation forward.

Dr. Rios-Tovar, thank you for your work in the community, and it was hard to hear the story of the first patient that came to you that day. Was it a scary-looking feature that caused the death of that patient?

Dr. RIOS-TOVAR. I don't know what that gun looked like. I just know what the bullet wounds look like and I know that when you have a high-capacity magazine, whether it is a semi-automatic rifle that you are reloading multiple times, you have the capability to have devastating injuries to multiple casualties.

Mr. SWALWELL. Would you agree when you put a pistol grip on a long rifle where the round already has high velocity, high energy, you can take the least skilled shooter and they can indiscriminately spray a crowd and a would like the one that you had to attend to can occur?

Dr. RIOS-TOVAR. I could assume so.

Mr. SWALWELL. It reminds me of a gunshot victim whose case I prosecuted in Oakland where the victim was shot in the back of the thigh and he succumbed the wounds. His mom she said, "I don't get it."

You would think if you are shot in the leg or the arm that you would survive. That is where you would want to be hit.

The ballistics expert in the autopsy, doctors said, actually no, because it was a long rifle round and 40 rounds were fired at him and he was hit just once. Just like the victim you attended to it leaves very little chance of survival.

Mr. Chipman, also thank you for your service to our country, and I read your testimony and it seems to me that you support a ban on the future sales and manufacturing of assault weapons. Is that right?

Mr. CHIPMAN. Yeah, similar to what we did in 1986 with machine guns.

Mr. SWALWELL. I hear you and I agree with you as far as the National Firearms Act and making sure that they are registered.

Would you agree that we want to ban future sales and manufacturing because it is a dangerous weapon different than a long rifle used for hunting or a pistol used to shoot for sport or a shotgun used to protect someone in their house? That this is just a different weapon?

Mr. CHIPMAN. Yes. They are particularly lethal.

Mr. SWALWELL. So, I guess my concern is, because I want this bill to pass—I will vote for it to pass. As you described earlier, if this passes, just like the 1994 law, we will still leave millions—the NRA estimates 15 million assault rifles in our communities.

So, if these weapons are dangerous in the future, wouldn't you agree that they are dangerous now and that there has to be some way to protect people now from ever having their kids shot in the school, their parent shot in a church, their sister shot at a concert, from one of these weapons?

Mr. CHIPMAN. We absolutely have to address the most lethal weapons that are already in civilians' hands and I believe the National Firearms Act is the best way to approach that.

Mr. SWALWELL. I appreciate what the Giffords Group is doing—but my proposal is this, that if it is dangerous in the future it is dangerous now and that it would be very hard for us to pass this

legislation and then, God forbid, there would be a mass shooting, and after there was a celebration on the House steps that a weapon that was grandfathered in was killed to take dozens of lives and we would have to explain to victims that we allowed those weapons to stay in use.

I also think it would create confusion among the public. If there is a ban on assault weapons why was this weapon used and knowing the NRA and their misinformation operations that they would say, look they had the bad—it didn't work.

My proposal would be to do what Australia did, which would be to have a buyback period to allow people like Ms. Muller and others to use their weapons at a shooting range or a hunting club, to allow them to be possessed there but nowhere else in our community and that we would pay at market rate, as they did in Australia, for these weapons.

Now, Australia did this and they were able to get off the streets 700,000. We won't get off as cheaply, but it is not as if this is something that never happened. So, I hope we can aspire to do that.

This is the first important step and I thank all of the witnesses for participating and I thank all of the families for being here. Because the families have picked themselves up from unimaginable grief, there are 18 fewer NRA Members of Congress today endorsed by the NRA than there were a year ago. So, keep marching, keep caring, and we will see action and we will all be safer.

I yield back.

Chair NADLER. The gentleman yields back.

The gentleman from California?

Mr. MCCLINTOCK. Thank you, Mr. Chair.

Ms. Swearer, the arguments around these bills seem to have an inordinate faith that somehow, they are going to keep these weapons out of the hands of criminals and mad men and terrorists.

I don't share that faith. I look at how effective our drug laws have been at keeping drugs out of the hands of addicts and wonder if that faith isn't misplaced.

As Mr. Biggs pointed out, aren't a majority of the firearms already used in crimes, already being obtained illegally?

Ms. SWEARER. Yes, that is my understanding that, largely speaking, a high percentage of guns that are used in criminal activity are coming from people who obtain them illegally and had criminal records themselves.

Mr. MCCLINTOCK. So, they have already been very ineffective at disarming criminals and mad men and terrorists.

The other argument we hear is, well, nobody has a legitimate use for an AR-15, and I think you made a very good point that these aren't military weapons.

They are designed to look like them, but the actual firing mechanism is the same as those that are used in a wide variety of legitimate hunting and target rifles and pistols.

That said, I am a gun owner but I don't own an AR-15 because I don't feel I need one. I might have a different opinion if I was in the third day in a hurricane disaster zone without power or law enforcement or if I was a late night clerk in a gang area or a theater owner who wanted to be able to protect my customers in a crisis or if I was a border rancher where cartels are operating.

Don't I have a right to make that decision for myself under the Second amendment rather than have one of my friends on the left make it for me?

Ms. SWEARER. Yes, sir, especially with regard to commonly owned semi-automatic firearms that have long been commonly owned by law-abiding citizens for lawful purposes.

Mr. MCCLINTOCK. The one area where I do agree is, we ought to be absolutely outraged by these growing incidents of mass shootings. We didn't have problems like this, certainly not at this magnitude or frequency 50 years ago.

So, I think it is important to ask what policies have changed in those 50 years that would explain this and it seems to me there are three.

50 years ago, we used to execute murderers. We have, largely, stopped doing that now. Could that have something to do with it?

Ms. SWEARER. I am not familiar with whatever studies you may be referring to with regard to capital punishment and mass shootings. But, I do know that there are bigger factors underlying mass shootings.

Mr. MCCLINTOCK. We used to put violent criminals in prison until they were old and feeble. Now we have early release programs, sanctuary laws that are releasing dangerous criminals back into our communities. Could that have something to do with it?

Ms. SWEARER. With regard to mass public shootings, that is unclear. But with regard to gun crime in particular, it is the case that a lot of gun crime is perpetrated by people with long histories of previously violent behavior.

Mr. MCCLINTOCK. Most importantly, we used to confine the dangerously mentally ill when we identified them in mental hospitals where we could treat them and prevent them from harming others.

In fact, in 1958, my State of California there were 37,000 mentally ill contained in our mental hospitals. Many were dangers to themselves or to others. Proportionately, that would be over 100,000 today.

Today, we only confine 7,000. The rest of them are on the streets. Could that have something to do with it?

Ms. SWEARER. Well, without meaning to come across as demonizing all mentally ill people as dangerous—

Mr. MCCLINTOCK. Oh, no, and I don't mean to stress that all mentally ill people are dangerous.

Ms. SWEARER. There is—of course.

Mr. MCCLINTOCK. Some mentally ill people are dangerous. Those are the ones that we confined.

Ms. SWEARER. Yes, sir. So, we have written on this specifically at the Heritage Foundation and there is a relationship between sort of rates of violence and what we have seen in the mass deinstitutionalization of the mentally ill.

Mr. MCCLINTOCK. 50 years ago, we had very few gun control laws. Today, we have a great many. If these laws were actually the answer to these—to these massacres, shouldn't the problem be getting better and not worse by now?

Ms. SWEARER. With regard to mass public shootings, yes, arguably. Though I would also say gun violence in general is more complex.

Mr. McCLINTOCK. I think that should be self-evident.

Now, when you go to a bank you see an armed guard and that guard is there to protect our money. Why would anyone object to an armed guard in a school who is there to protect our children?

Ms. SWEARER. I am not sure why anyone would object to protecting our nation's children in the same way that we protect other important places.

Though, arguably, I mean, we do not want to turn schools into some sort of prison function where people feel that they are behind bars or something like that.

Mr. McCLINTOCK. But whenever anybody suggests that maybe we ought to have lethal force to protect our children, people go crazy over that. They don't give a second thought to an armed guard in the bank to protect our money.

Ms. SWEARER. So, we know that especially with regard to mass public shootings, one of the biggest factors is actually the quickness of the armed response to that shooting, and so that is one of the possible solutions. Yes.

Chair NADLER. The time of the gentleman has expired.

The gentlelady from Washington?

Ms. JAYAPAL. Thank you, Mr. Chair, and thank you all so much for being here. Your testimony was very powerful.

I am perplexed by this argument from the other side that—if I heard it right that criminals do not follow laws and, therefore, we shouldn't have laws?

I mean, that statement has no relevance to the existing debate around gun reform because fundamentally it is completely irrelevant because it is just as meaningless as saying the sky is blue, my microphone is black, or the grass is green.

Definitionally, criminals don't follow laws. That is what criminals are. So here is the paradox that the other side is putting forward, and I just want to go through it because I think it is important to dismiss this argument for what it is, which is bogus, in my opinion.

The paradox is this. Law-abiding citizens obey the law, number one. Number two, criminals are lawbreakers; therefore, they don't obey the law. Brilliant.

Number three, laws impose restrictions on the behavior of only those that follow them and, therefore, number four, laws, therefore, only hurt law-abiding citizens.

Well, that would mean that we shouldn't have any laws at all because definitionally we are making laws based on the kind of society that we imagine and then we expect that the vast majority of people are going to follow those laws and the people that don't will then have accountability.

So, I just think it is a ridiculous argument. I don't understand why the other side keeps putting it forward.

The data shows that mass shootings are becoming far more frequent, and they are getting deadlier. My colleague, Mr. Deutch, gave a powerful statement, talked about all the shootings.

I wanted to pull out that 16 of the 20 most deadly mass shootings in modern history occurred in the last 20 years and eight of them in the last five years. But look at the amount of time in each of these shootings.

So, in 2017, the Las Vegas shooting claimed and unprecedented 58 lives and 850 injuries in just 10 minutes. El Paso shooting claimed 22 lives and 24 were injured in less than six minutes.

Thank you, Mayor, for being here. The Dayton shooting claimed nine lives and dozens of injuries in just 30 seconds. All of these by a single shooter who legally purchased semi-automatic weapons and high-capacity magazines.

So, let me ask you, Mr. Chipman, the Giffords Law Center finds that a person with an assault weapon can hurt and kill twice the number of people compared to a shooter with a non-assault rifle or handgun.

Why is that? Think about just average people who are out there who are trying to understand this issue. What are the specific features of an assault weapon that are most dangerous?

Mr. CHIPMAN. Well, let me talk about rifles specifically. When you are firing a round at over 3,000 feet per second as compared to a handgun, which is usually under a thousand feet per second, when it hits, it just destroys the body.

For instance, I worked for Gabby Giffords. She would not have survived had she been shot with a rifle. It is just an entirely different category.

So, if you mix the speed of the round, and then the ability to easily carry a hundred rounds in a magazine or 50 and you can fire as quick as the finger can pull, you do battle-like wounds.

In Las Vegas, the thought 20 years ago that I could have even imagined a shooting where a single gunman could have inflicted 58 deaths and hundreds of people wounded, many of them off-duty law enforcement officers, it is just hard to imagine. Has everything to do with the capabilities of the weapon.

Ms. JAYAPAL. Just a quick clarifying question. When you said a rifle round, just for people who don't know what that is, explain what happens when the rifle round actually strikes.

Mr. CHIPMAN. Well, then I would need the help of my dad, the mathematician, and do physics.

Ms. JAYAPAL. Just quickly—

Mr. CHIPMAN. Just let me say that when a piece of lead is flying at 3,000 feet per second and it hits you, it is a lot different than if it is going at 800 feet per second.

Ms. JAYAPAL. Thank you.

Mr. CHIPMAN. So, it is just math and the results are what our surgeon said as just catastrophic.

Ms. JAYAPAL. Let me turn to the surgeon. Dr. Heather Sher, who treated victims from the Parkland shooting, wrote that the CT scan of one of the victims of an AR-15 showed an organ that looked like an overripe melon smashed by a sledgehammer.

We have very little time, but can you tell us, from your perspective as a doctor what do you see and what do you experience as you are treating individuals who have had these kinds of wounds?

Dr. RIOS-TOVAR. Like I said, that is accurate from what I have seen in my particular patients. The entire pelvis on the left side had a hole the size of a grapefruit that I had no idea how to repair.

I am not an orthopedic surgeon. I had intestine coming out of bones. I had never seen that before and I will never see that again.

Ms. JAYAPAL. Dr. Tovar, I thank you so much for everything that you did and thank you for your service to all of you.

Chair NADLER. The gentlelady yields back.

The gentleman from Virginia?

Mr. CLINE. Thank you, Mr. Chair. I want to thank our witnesses for being here today.

The horrifying acts of mass violence that our country has witnessed in recent years are totally unacceptable and as defenders of the Constitution we cannot tolerate the spread of violence and hatred in our nation.

Unfortunately, today's hearing seeks to villainize one of America's most popular firearms instead of looking at real solutions to prevent acts of violence from occurring in our communities.

From 1991, when violent crime was a record high, until 2017, the nation's total violent crime rate decreased 48 percent. Meanwhile, Americans bought more than 11 million AR-15s during that period.

It is clear that the majority's underlying objective in holding this hearing is to rationalize why the Federal Government should keep guns out of the hands of law-abiding citizens.

Democrats want to paint the AR-15 as a weapon solely used for war, when in reality millions of men and women own these firearms and use them lawfully every day.

Americans have chosen this modern sporting rifle as their firearm platform of choice—recreational shooting, self-defense, hunting, and educating the next generation about firearms and safety.

Our families, our neighbors, and our communities will not become safer as we confiscate firearms from innocent law-abiding people.

In fact, by restricting the fundamental freedom that allows people to defend themselves, Democrats will endanger the lives of millions who will no longer be able to adequately protect their families.

As Members of Congress, it is our duty to ensure that we are protecting the American people by defending this document, the Constitution, and the freedoms that are enumerated in it.

Our republic was founded on the principle that government will not impede on these rights and we must uphold that here in this committee.

So, I will ask Ms. Swearer if there is anything that was said today that you would like to respond to at this point.

Ms. SWEARER. Thank you, Congressman.

There has been a lot that I wish we had the time to respond to. I will take just a couple of these in order.

I think there is this sort of misunderstanding that if we can just get rid of AR-15s that somehow this is going to result in this massive reduction in gun violence.

That, and again, it dramatically misunderstands the underlying factors of gun violence in this country. Two-thirds of gun deaths are suicides.

That doesn't matter, frankly, whether you have an AR-15, which is rarely used in suicide, handgun, or shotgun. It is essentially irrelevant if you just replace the firearm.

When we are talking about mass public shootings, we are talking about something that I think we all agree is devastating to communities.

It is a fraction of a percent of gun deaths every year and we are talking about switching out the same caliber rifle for something that is the same caliber in a different rifle, but now just doesn't have a barrel shroud or a pistol grip, and saying that this somehow is going to save this large number of lives every year.

We are looking at the wrong problems and so we are coming up with the wrong solutions. I mean, these are things that even if fully effective and not substituted with other types of firearms we are talking about a bare minimum of actually impacting rates of gun violence.

We have to be looking at more meaningful factors than things like pistol grips, and that is something we can work on together if we would stop looking at scary features.

Mr. CLINE. Ms. Muller, would you like to respond to anything that was said?

Ms. MULLER. Yeah. Thank you.

I understand everybody in this room wants to make a difference and that we want to be safe. We want to be safe. Firearms owners want to be safe, and I hope you heard in my oral and my written testimony that we, the firearms industry, is driving solutions.

If you are really interested in having that conversation that is why I formed the D.C. Project is to come and make relationships and help you be a resource to let us go to the range and let us really understand what those firearms are and who that community is and how they use them. Those are your constituents as well.

I will say them again. Eddie Eagle, Project ChildSafe, and Kid Safe Foundation—those are teaching your kids how to responsibly look at firearms.

It doesn't mean they have to shoot them, but they need to—it is just like a swimming pool. You teach your kids how to swim. You don't want them to go across a body of water at some point in their life and not know how to live. We are with you. We want you to be with us.

Mr. CLINE. Thank you.

Chief Brackney, you said something earlier that gave me pause. I am going to give you the chance to amend your statement.

When you said any weapon that can be used, misused, to hunt a person should be banned. That applies to all weapons. Is it your contention that all weapons should be banned and that you—

Chair NADLER. The time of the gentleman has expired. The witness may answer the question.

Chief BRACKNEY. Thank you. I think there is opportunities for quite a few of us to amend our statements, Senator. Yes, weapons that are misused should be considered and we are looking at percentages of individuals that are injured based on weapons.

The fact that we are willing to boil it down to simple numbers when it is actual lives and to say that it is a percentage of or a consideration of a percentage of, we actually should be ashamed that we are willing to sacrifice the lives of individuals for data points.

I think we should all be able to come to Charlottesville—

Mr. CLINE. You don't want anyone in Charlottesville to have a weapon?

Chief BRACKNEY. Actually, had we banned or been able to ban some of the assault weapons coming into Charlottesville, I think we could have had a very better response from law enforcement, or even Virginia Beach.

Mr. CLINE. All weapons?

Chair NADLER. The time of the gentleman has expired.

The gentlelady from Florida?

Mrs. DEMINGS. Thank you so much, Mr. Chair, and thank you to all our witnesses for being here today.

I am going to try to get my thoughts together because I have been pretty amazed at some of the things that I have heard, particularly from the other side of the aisle.

Mayor Whaley, thank you for being here on behalf of the people that you represent. You are doing exactly what we would expect you to do as a mayor.

I know your chief is here as well. Thank you, Chief, for what you and the men and women that you represent do as well.

I was a law enforcement officer. I spent 27 years. A gun owner. My father was a hunter. I am from Orlando, where 49 people—we have heard a lot about law-abiding citizens. Those 49 people who were in a nightclub that night were law-abiding citizens, and they were not protected.

Forty-nine of them lost their lives. 50-three others were injured and will never be the same, and that does not include those with invisible wounds.

One of my biggest fears as a police chief was worrying about the men and women who do the job going home at the end of the night because if we can't protect them, if they are at risk, then we know the average citizen is at risk.

I always knew they were going to be outmanned because law enforcement always is. I certainly worried about them being outgunned. I have gone to more than my share of law enforcement officers' funerals.

We have got to do something about the number of mass shooters that has occurred in a country that we say is the greatest country in the world—a country where we say life first, liberty, and the pursuit of happiness.

My colleagues on the other side of the aisle have offered nothing as a solution. I am interested in hearing more, Ms. Muller, about your program. I wasn't familiar with that.

Chief Brackney and Ms. Rand, you said that assault weapons account for one in four or one in five officers killed in the line of duty.

It appears that we love our law enforcement officers until it comes to banning weapons that can blow a hole in them the size of a grapefruit or rounds that can penetrate their ballistic vests.

Chief Brackney, I would just like for you to talk a little bit about the men and women that you command, the burden of keeping them safe and, really, why are you here today?

Chief BRACKNEY. Thank you, and I appreciate your service as well.

For me, personally, having experienced three officers die in Pittsburgh by an assault weapon, knowing there was nothing we could

do to protect them, knowing that one of our officers was lying there at that point in time saying over the air that he loved his wife—to let her know that was his only love—he loved his children, knowing he was going to die, and we could not get to him for hours as he lay there dying and bleeding out as a result of that tragedy.

I am here because, as we know, Charlottesville experienced tragedy at the hands of hate, and when you have the type of weapons that can be brought into a community that can devastate an entire community, I actually would be ashamed of any former law enforcement officer who said, I will refuse to comply with the law that they were uphold or swore to uphold themselves.

I say to you and each and every one of you, if you have to go home every night thinking about where your team—would the people who are out there come home alive every day—if you had that burden to bear and you could see the secondary trauma that is enforced upon families, not just the initial trauma, as they look out the doors to see if their parents are coming home, whatever that person is who is willing to give their life for a stranger.

We talk about what greater love is that. We don't ever amend or talk about that we have restricted your First amendment rights. You can't say anything at any time.

Mrs. DEMINGS. You are saying no right is absolute—

Chief BRACKNEY. That is right. That is right. So, if we are willing—

Mrs. DEMINGS. —that you can say anything anywhere anytime.

Chief BRACKNEY. That is exactly right. If we are willing to amend what you can say, why wouldn't we consider what you could amend that could cause the type of devastation in each and every one of our communities.

So, I just thank you even just for the opportunity to be heard today.

Mrs. DEMINGS. Thank you so much, Chief. Thank you to all of you.

Mr. Chair, I yield back.

Chair NADLER. The gentlelady yields back.

The gentleman from Florida?

Mr. STEUBE. Thank you, Mr. Chair.

The right of the people to keep and bear arms shall not be infringed. It says arms—plural. Not certain types of arms. It says arms, and I stand by the Constitution and I stand by the Second Amendment.

The Second amendment has absolutely nothing to do with hunting, although there has been a lot of talk today about hunting and hunting rifles. It has everything to do with your constitutional right to defend yourself, your family, and others.

This is step number one, and the Democrats plan to take away your guns. Step one—ban a certain type of firearm that no one can properly define today. I have still not heard a proper definition of what it is that we are talking about banning.

Step number two—now that we have taken your semi-automatic rifles away, now we will take your semi-automatic handguns away.

Step number three—now that we have taken all your guns and the government only has their guns, now we have turned into Venezuela and Cuba.

There is absolutely no difference in the functionality of an AR-15 and a semi-automatic handgun. None. Absolutely no difference.

We heard the ATF individual talk about as fast as you depress the trigger is as fast as the round comes out. As fast as you depress the trigger on an AR-15 is as fast as a round comes out. As fast as you depress a trigger on a semi-automatic handgun is as fast as a round comes out.

The weapon I was issued when I did serve in armed conflict was much different than what is available commercially today.

The M-4 that I was issued in the United States Army in service of Operation Iraqi Freedom had a selector switch on it for a three-round burst and fully automatic.

That weapon of war, which is the terminology that the Left likes to use, is not available to the general public. The general public cannot go and buy the weapon that I was issued when I served in Operation Iraqi Freedom.

And this term “assault rifle” is a fiction. It doesn’t exist. AR stands for ArmaLite, which is the company that actually manufactured the original AR-15.

There is no such thing as an assault rifle. Just like if I threw my cup at somebody here and it killed them that would be an assault cup.

If I used my truck to run somebody over, I guess that would be an assault truck. So, we are using a fiction to demonize a certain type of weapon.

So Chief Brackney, I have a question. Isn’t it true that an AR-15 discharges a round every time that you depress the trigger? Is that correct?

Chief BRACKNEY. Yes, that is correct.

Mr. STEUBE. Is it also correct that every time that you depress the trigger of your service revolver that a round is dispersed? Is that correct?

Chief BRACKNEY. Yes. Based on the social contract and the social compact that I have with society to police society, that is correct that when I discharge my weapon that does occur.

Mr. STEUBE. So, it is your testimony here today that the functionality of an AR-15 and the functionality of a semi-automatic handgun is identical because the moment you depress the trigger a round comes out of the weapon? Is that correct?

Chief BRACKNEY. In the purest sense, yes, when you are pulling that—absolutely in the purest sense. When we are talking about the targets and the behaviors and the impact of those, it is very different than the functionality. That is correct.

Mr. STEUBE. Well, I am talking about the functionality and that is what you all are talking about is the functionality of an AR-15. So that is what we are talking about.

You said that any—I was in here when you said this, and correct me if I am misstating and we can have the reporter read back exactly what you said verbatim if you would like—you said that anything used to hunt people should be banned. Is that correct?

Chief BRACKNEY. Any weapon that can be used to hunt individuals should be banned.

Mr. STEUBE. Okay. So, you then stand for the proposition to ban any type of firearm because any type of firearm could be used to misuse and kill people?

Chief BRACKNEY. As I stated before, with law enforcement, in particular, there is a social contract that we have and—

Mr. STEUBE. No. I am asking based on your statement you said that anything used to hunt people should be banned. That is what you stated.

You just said—so I am clarifying, your statement today is that all firearms, because they can be used to hunt people, should be banned. That is your statement before this committee?

Chief BRACKNEY. So that is not my statement, you haven't clarified my statement, sir. You have just added a statement for me.

So, again—

Mr. STEUBE. Why don't you clarify exactly what you said, and we can take a break and have the clerk read back exactly what you stated?

Because I wrote down—you said, anything used to hunt people should be banned. It is my understanding that any firearm can be used to hunt people.

Ms. MUCARSEL-POWELL. Point of order.

Chair NADLER. The gentleman will suspend. The gentlelady will State a point of order.

Ms. MUCARSEL-POWELL. I was in a hearing yesterday in the Judiciary Committee, the Subcommittee for Immigration, where one of my colleagues from the minority side stated that it is not right to attack a witness that comes forth in the manner that Mr. Steube has been incriminating and attacking our law enforcement officer here. So, if he could just please tone down his words.

Mr. STEUBE. Is there a point of order, Mr. Chair?

Chair NADLER. The gentleman controls the time.

Mr. STEUBE. No, I had 32 seconds when she asked for a point of order. I would ask for that time to be put back on the—

Chair NADLER. If you want to be so strict, we will get seven seconds back.

Mr. STEUBE. Thank you, Mr. Chair.

So, you support banning all firearms or anything used to be able to hunt people. Is that correct?

Chief BRACKNEY. Sir, you are actually conflating two. You just said support banning firearms or anything that can be used to hunt people. That was not my statement.

Mr. STEUBE. What was your statement then?

Chief BRACKNEY. My statement was—and please, I don't have it as verbatim as possibly that you do—that I do support weapons that are used to hunt people, that they be banned.

Mr. STEUBE. So, any type of weapon that can be used to hunt people should be banned is your statement?

Chair NADLER. Go ahead. Answer the question.

Chief BRACKNEY. Could he repeat that? The gavel was going off at the exact time.

Chair NADLER. Sorry. Repeat the question, please.

Mr. STEUBE. Any type of weapon, which is what you just stated—any type of weapon that can be used to kill people should be banned.

Chief BRACKNEY. Sir, you are adding the word type. I said any weapons. That is my answer. So, thank you.

Chair NADLER. The time of the gentleman has expired. The gentlelady from Texas?

Ms. GARCIA. Thank you, Mr. Chair, and thank you for having this very important hearing that many of us have been waiting for. To all the families and those who are here that have lost loved ones, thank you for being here.

I know that every time that you have to sit and listen to this kind of testimony and the back and forth it brings back too many memories. Please know that we feel your pain and we are getting ready to do something about it.

I know that earlier one of my colleagues said that the Democrats, even if it is wrong, we have to do something. I am here to tell you that what we are doing is right. It is not only right for us to do it; I think our country demands it.

Everywhere I go this issue comes up, whether it is a town hall meeting with veterans or a town hall meeting with seniors. Everybody is concerned about gun violence and not just with these types of weapons, but any weapon.

I grew up poor on a farm in south Texas. I was taught to use a rifle and a shotgun at an early age. Both were used for hunting to put food on the table or were always ready to protect us and protect our property.

I still, in fact, keep a shotgun at my home. Fortunately, I have never had to use it. To me, that is what guns are for—for hunting and protecting our property.

You don't need a weapon that kills nine to 10 people in 30 seconds to go hunting to put food on the table and you don't need that either to protect your property.

So, assault weapons are, frankly, in my view, just for killing people. Weapons that are designed to kill as many effectively and efficiently as possible, frankly, are posing the greatest threat to us today.

We, in Texas, have suffered from this, as many other states have, and it is time for all of us to act. I support the bill that Mr. Cicilline has before us and, frankly, sometimes I think it needs to be even stronger.

So, Mr. Chipman, I want to start with you. In your written testimony, you say that one other option might be to have the registration of all existing assault weapons under the NFA while banning any of the future manufacturers of these firearms.

Is that a position from your or the organization, and are all the other gun violence groups in accordance with this position?

Mr. CHIPMAN. It is the position of Giffords, based on my 25 years of experience. I don't want to speak for other organizations about that.

It is based on my experience that a law, the NFA, was meant to keep the most dangerous weapons out of criminal hands and it is working. Only three out of every thousand crime guns traced by ATF is a machine gun.

So, laws work, and so if we want to focus on other types of weapons I would suggest we have a time-tested law that has been on our books since the 1930s. Let us take that approach.

Ms. GARCIA. What is your position on the buyback programs?

Mr. CHIPMAN. I think that we should be looking to America, not Australia, for solutions. As I said, the NFA was passed at a time where we had a similar problem.

Ms. GARCIA. Right.

Mr. CHIPMAN. Very lethal weapons. So, I would suggest that it is a balance that would honor the rights of people who have these guns to keep them if they were properly regulated and understood that there are so many of them out there that, like machine guns it would prevent them from being manufactured and sold in the future.

I think that strikes a reasonable balance between the rights of individuals and the rights of all Americans—a human right not to get shot.

Ms. GARCIA. I wanted to put another idea that came, really, from a senior at a senior town hall meeting that I had in my district a couple of weeks ago.

Although it was about senior issues—Social Security, Medicare—she approached me after the meeting with a list and, frankly, she has about six or seven suggestions. One caught my eye and I just wanted your reaction to it.

She thinks we should place a chip when you make them. In other words, at manufacturing, inside those giant guns and she was referring to the assault weapons. So, they can be tracked and know where they are, or to maybe stop an incident before it happens to do something proactively.

Have you all ever looked at an idea like that?

Mr. CHIPMAN. I don't think we have looked at an idea like that. One of the challenges for law enforcement, though, is when you recover a firearm in a crime it is very useful to know who owns it.

So, the ability to trace a gun, the ability to take shell casings that are often left at a crime scene and be able to tie those back to a gun and the shooter are very useful.

I think with a chip in all guns, the reality is most guns are lawfully owned. So that is a lot of data we don't need. I would be more focused on what can help cops solve gun crime quickly and immediately.

Ms. GARCIA. Thank you for your thoughts, and I yield back, Mr. Chair. Thank you.

Chair NADLER. The gentlelady yields back.

The gentleman from Maryland?

Mr. RASKIN. Mr. Chair, thank you.

I have heard a number of my colleagues today say that they are strong supporters of the Second Amendment. I think a couple of the witnesses also articulated the same sentiment.

I want to say I am a strong supporter of the Second amendment too as properly interpreted by the *Supreme Court in Heller v. District of Columbia*, which says that the Second amendment gives you a right to a handgun for purposes of self-defense and a rifle for purposes of hunting and recreation. Nowhere does it give you a right to weapons of war, machine guns, armored tanks, or anything like that.

Is there anybody on the panel who disagrees with that? Is there anyone who believes that the Second amendment gives you a right to own a machine gun?

No. Okay. Is there anyone who thinks it gives you the right to own an armored tank?

Ms. Muller, please?

Ms. MULLER. Yes, sir.

Mr. RASKIN. You think it gives you the right to a tank? Does it give you a right to nuclear weapons?

Ms. MULLER. Well, you started out with machine gun, and we can legally own machine guns if we go through the rich man's game of the NFA.

Mr. RASKIN. So, you are for unrestricted access to machine guns then?

Ms. MULLER. I would look at that, yes. I would look at taking those off the NFA.

Mr. RASKIN. Do you agree with that, Ms. Swearer, or do you think there is a constitutional right to own a machine gun?

Ms. SWEARER. I believe there is a constitutional right to own what the equivalent of the same sort of functions of a musket would be.

Just as we have extended the First amendment to include, you know, technological advancements we include the same sorts of things with the Second Amendment. So, it would include—I think the Supreme Court has—

Mr. RASKIN. Well, do you think that—

Ms. SWEARER. —found that the proper—the proper phrasing there to say commonly owned for law-abiding purposes. So it is, essentially, this function of is it useful for law-abiding purposes and the answer for a lot of these things is yes.

Mr. RASKIN. Okay. I just want to be clear. So, both of you say that people should be allowed to purchase machine guns the same way they should be allowed to purchase AR-15s, which is the same way they should be allowed to purchase hand guns?

Ms. SWEARER. My distinction with actual fully automatic weapons might be a bit different, but yes.

Mr. RASKIN. Okay. Well, let me go on because I do have other questions. I appreciate that.

Dr. Tovar, you are from El Paso. Your testimony was stunning to me. There was something you said that will haunt me for a long time, and I want you to elaborate it. You were supposed to be going home that night. You were called back after the massacre took place to try to save people and, as I understand, you helped save and your colleagues helped save more than a dozen people. Is that right?

Dr. RIOS-TOVAR. Yes. It was a large team effort.

Mr. RASKIN. But you lost one person who was, I guess, the first patient that you worked on and you said that you will always carry the guilt of that with you.

I remembered a passage I once read from Rousseau who said how often audacity and pride are on the side of the guilty and how often shame and guilt are on the side of the innocent.

I wonder why you would feel guilty for trying to save someone's life who was assassinated by an assault weapon that you had nothing to do with being in the hands of a criminal.

Dr. RIOS-TOVAR. I felt guilty and I still feel that I could have done more. I wanted to do more. The fact is I had 10 patients there and reports of maybe up to 20, 40 patients.

I had no idea, and I couldn't spend as much time as I wanted to on that one patient when I knew I had 20 or 30 coming in.

Mr. RASKIN. Are you still practicing now in El Paso?

Dr. RIOS-TOVAR. Yes.

Mr. RASKIN. How do you feel about the possibility of selling people some machine guns or heavier weaponry under their so-called Second amendment rights?

Dr. RIOS-TOVAR. I would not agree with that. But the Second amendment stands.

Mr. RASKIN. Yeah. It has been misrepresented. It has been distorted and the National Rifle Association used to be a moderate mainstream organization that supported gun safety regulation.

Then it was taken over, hijacked for political purposes and the idea was to oppose all gun safety regulations to try to drive a wedge between the rural parts of America and the metropolitan parts of America, and that has worked like a dream from an electoral standpoint. Congratulations, you guys.

We have casualties on the streets of America in every city and town. These are our people. These are American citizens who are being shot down by these weapons of war, which you think the Second amendment covers but the Supreme Court doesn't.

Ms. Muller, you said something before about how I think you had friends in the military who don't prefer the AR-15—tell me if I got this right—because they want something with greater stopping power.

Will you explain what that means?

Ms. MULLER. Yes, sir. They were saying that it is their job in war, in combat, to kill people and they were telling me, relating that it is not an effective round and that—

Mr. RASKIN. What does it mean not to have enough—what you said before was they had preferred a weapon with greater stopping power.

Ms. MULLER. Correct.

Mr. RASKIN. I don't know that phrase. Will you explain that to me?

Chair NADLER. The gentleman's time has expired. The witness may answer the question.

Ms. MULLER. Stopping power is stopping a threat. If this person needed to be killed that the TG3 was not a good round to do that.

Mr. RASKIN. So, in other words, the weapons that killed in El Paso or Dayton did not have enough explosive force. Is that it?

Ms. MULLER. Correct.

Mr. RASKIN. Okay. I yield back, Mr. Chair.

Chair NADLER. The gentleman yields back.

The gentlelady from Georgia?

Mrs. MCBATH. Thank you, Mr. Chair.

I would like to thank my colleague, Mr. Neguse from Colorado, for yielding to me for a few moments to go first and I want to

thank all our witnesses that are here today. Most definitely I want to thank our survivors, their families, and all the GBP activists that are taking their time to be here to discuss this important issue.

I first want to underscore that the current prevalence of assault weapons was the result of not of action but of inaction. Congress did not end the assault weapons ban by lifting it but by simply allowing it to expire, and I believe that inaction has most definitely cost lives.

Tragically, we have seen extremely little action to address gun violence in the past several decades. I am pleased to be part of this present moment in which we are finally having hearings like this to illuminate the multi-faceted problem of gun violence.

No single measure will end this epidemic. We know that there are bills that will save lives. The House has already passed some of those—universal background checks, closing the Charleston loophole, and we are continuing to explore other laws, too.

The House has also passed an appropriations package that funds gun violence prevention research. Time and time again, Senate inaction is maintaining the status quo. There has been over 200 days since the House has passed H.R. 8 to require universal background checks and in that 200 days the Senate has done nothing.

The House voted to provide a historic \$50 billion—excuse me, \$50 million package to fund gun violence research. But a Senate proposal instead recommends nothing. Americans are paying for Senate inaction with their lives.

We lose another hundred people to gun violence every single day. Every day 100 families face a ne and terrible loss, and inaction is absolutely unacceptable.

I would like to say for anyone on this panel, unless you have experienced gun violence you have no idea the burden of loved ones lost and the burden that that has on their families and their communities.

Dr. Brackney, how did the expiration of the assault weapons ban affect law enforcement?

Chief BRACKNEY. Thank you.

I am in complete agreement with you—when we are too cowardly to face issues and instead let them to expire like we would milk in our refrigerator versus taking some sort of action.

As we know, in any other field—think about the medical field. There are often incremental steps that we take in order to create medications to address cancer.

We don't say until we have the cure, we do nothing, and we are doing something very similar when it comes to law enforcement.

The attacks on law enforcement, the ambushes on law enforcement, have increased. People have been emboldened by the fact that not only do they have the weapon and the capacity to do that, but there is the prevalence of which they can get these weapons.

There are now, also, the ghost weapons in which you buy pieces and parts of it so that you can get around, again, legislation when it comes to what you must be required to do to obtain a weapon legally.

This is an absolute atrocity, and I have attended those funerals of officers over the 35 years that I have been in law enforcement,

the more than three decades plus that I have been in law enforcement.

It continues to hold a pit in your stomach for every person that you see that has lost a life. Also, it moves concentrically outward. It affects an entire nation.

The last shootings that we can remember in Dayton, it stopped the country, and we held our breath for, literally, days and then we have forgotten about the shooting that occurred just before it and probably will forget about the next one as well.

Mrs. MCBATH. Thank you.

Ms. Rand, we know that assault weapons are the weapons of choice for mass shooters. What do we know about why they choose these weapons?

Ms. RAND. I think that the firepower that assault weapons affords a shooter gives them more bravery. They feel like they can outgun law enforcement, and I would go back to the example that was offered about Columbine—that it is a little-known fact there were armed guards at Columbine who engaged in fire with Harris and Klebold but were unable to stop them because they were outgunned by the assailants' assault weapons.

So, I think it provides them with a sense of bravery that they wouldn't otherwise have. They know they can confront law enforcement.

They know they can kill a number of people very quickly and I think also if you look at the marketing of these weapons they are sold using militarized imagery. Now we are seeing assailants who copy that. They come with body armor.

Chair NADLER. The time of the gentlelady has expired.

Mrs. MCBATH. Thank you.

Chair NADLER. The gentleman from Colorado?

Mr. NEGUSE. Thank you, Mr. Chair, and of course, thank you to my colleague, Mrs. McBath, who always speaks truth to power in such an incredible way.

Chief Brackney, you mentioned this a minute ago, but I just want to give you a chance to expound a bit further. How long have you been in law enforcement?

Chief BRACKNEY. Thank you. A woman shouldn't tell her age, but 35 years, and maybe they hired me when I was really young.

[Laughter.]

Mr. NEGUSE. How long have you been chief?

Chief BRACKNEY. So, I have been the chief of Charlottesville now for just about 15 months. I was the chief in George Washington University three years prior to that and just short of 31 years with the city of Pittsburgh, commanding our SWAT teams, major crimes, et cetera.

Mr. NEGUSE. Well, thank you for your service. The reason why I asked that, my colleague from Florida on this side of the aisle, I thought, was right to point out during her parliamentary inquiry or point of order request, I took umbrage at the way in which my colleague interacted with you in the prior exchange—that someone of your caliber and someone who has served your community and your country, who is here today to testify on the importance of us taking common sense steps to prevent the pervasive gun violence that is ravaging communities across our country, I did not think

that that exchange was reflective of the way in which this Committee and its Members ought to conduct itself. So, I thank you again for being here today and for your testimony.

I also, of course, would associate myself with the remarks of my esteemed colleague from Georgia. Military-style assault weapons have no place in civilian hands, in my view. They have no place in schools, in theaters, and in communities, and in Colorado we know this all too well.

I happen to represent the great State of Colorado and we lived through Columbine 20 years ago where 13 individuals were killed in a matter of 16 minutes. We grieved after Aurora where 12 people were killed, and 58 others injured.

Military-style assault weapons are designed to kill people quickly and efficiently, and large-capacity magazines are often the choice for mass shooters because they allow the shooter to fire a large number of rounds and quickly reload.

Inaction on this issue, as so many of my colleagues have said and as so many of the witnesses have attested to, it is putting our students, our children, and our community in harm's way and I, for one, believe that we cannot allow it.

When we see mass shootings in the news every single month, we know that it is time to act. We owe it to those we have lost and to the survivors, some of whom are here in the audience today—the survivors of Columbine, of Aurora, of Las Vegas, of Orlando, of Newtown, of Sutherland Springs, of Parkland, of El Paso.

We owe it to them, and I am grateful to Chair and to my colleagues for holding this hearing so that we can take action.

I will say the difference between my home State and Congress is that Colorado had the courage to act. In Colorado, we passed a high-capacity magazine ban in 2013 as part of a broad attempt to reform gun laws following the Aurora Theater shooting the year before.

It is past time for Congress to take up these same reforms and I am so grateful to be able to support the proposal that we have talked about today in terms of banning assault weapons.

So, my question—Mr. Chipman, first, thank you for your service and as a law enforcement officer for putting your life on the line. I know, given your experience, that you have seen, you have used these weapons that we are speaking of today.

Why do you believe it is important that we have a conversation now about assault weapons and what about your experiences have led you to believe that we need reform?

Mr. CHIPMAN. Because they are getting more lethal, and we should have had this conversation decades ago. The firearms industry continues to make more lethal firearms and Congress is not keeping up with technology.

We see that in now smaller weaponry like my panel member likes to have because it is easy to carry around in our car. It was used to kill a Milwaukee police officer because it was able to defeat his bulletproof vest.

So, to me, we should not tip the scales on the side of just convenience but of our right to live in a country absent of fear of getting shot and killed in the line of duty, at a movie theater, or just in your daily affairs.

Mr. NEGUSE. With that, I see my time is close to expiring, Mr. Chair. So, I will just, again, say thank you to Chair and to the witnesses today for appearing and for your testimony. We appreciate it.

Chair NADLER. The gentleman yields back. The gentlelady from Pennsylvania, Ms. Dean? No? I am sorry. The gentlelady from Texas, Ms. Escobar.

Ms. ESCOBAR. Thank you so much, Chair, and thank you, Ms. Dean, so much, for switching with me.

I want to thank everyone here, people who traveled to be here with us today at this very important hearing, people who stood in a long line for a long time to get in. I want to thank our panel. I want to especially thank the panelist who is my constituent, Dr. Alex Rios-Tovar. Thank you for being here. Thank you for everything you did to save so many lives.

As we have heard today, there are far too many people on this Judiciary Committee who represent communities that have been impacted by gun violence, and my community, El Paso, Texas, is, unfortunately, now part of that very sad and tragic club. On the day of the shooting, August 3rd, I received many calls from colleagues who knew only too well what we were going through in El Paso, and the very next day, Dayton entered that awful club, and days later, Odessa entered that awful club.

Part of why I invited you, Dr. Rios-Tovar, to come here, I wanted the American people and the Congress to hear your testimony because too often we don't understand what happens, literally, to people who are shot up by these weapons of mass destruction.

I want to say something before I ask you the question I am about to ask you. That day, on August 3rd, El Paso was a victim not just of a gun violence epidemic but we were also victim to the hate epidemic of this country. Last week we passed legislation, we marked up legislation out of this Committee that began to address that hate epidemic. It was shocking to me that some of the people who use the language that fuels that hate epidemic were wondering why we needed to pass laws about the hate epidemic.

As long as we have people pushing that language and that racism, we will need laws that protect communities like mine. As long as we have people who say, "I deserve to have a weapon of mass destruction so that I can shoot critters," as we have heard today, or "so that I can have an accessory, like shoes," as we have heard today, then we will continue to see massacres and bloodshed.

We are here today to create change, so that communities like mine will not have to endure what we endured, because the consequence is long-lasting.

Dr. Rios-Tovar, you have told us about what you witnessed that day, what you lived through that day. Can you share with us what you emotionally and mentally still live with today, as a first responder in health care?

Dr. RIOS-TOVAR. Thank you for that question. I am not embarrassed to say that that Sunday I bawled like a child for half an hour. I went through the Facebook page of one of those victims and saw that that baby is going to live without parents. It is an orphan now. That week, once my patients were extubated, no longer on the ventilator, they had at least a week of nightmares. They would

wake up in the middle of the night, while I was there on call, and I heard from nurses, and I would see it myself, the nightmares that they would awaken from.

I have not been able to sleep for the past two months since this tragic event happened. I encourage all those that are affected by a tragedy like this to go and seek counseling, because it is important to recognize that not just the victims and the victims' families, but those first responders, even those that are not present, there is a lot of guilt that comes to providers who were not available to respond, because they feel that they should have been there to help as well.

So, there is a lot of room for therapy and for counseling for the entire community, and I think it is very helpful.

Ms. ESCOBAR. Dr. Rios-Tovar, thank you so much for everything you did to save all the lives and to touch all the lives that you did. You are a hero. All these deaths and all of this pain was needless, and we can change that today. Thank you.

Chair NADLER. The gentlelady yields back. The gentlelady from Pennsylvania.

Ms. DEAN. Thank you, Mr. Chair. I thank all the testifiers and the advocates for being here, and I thank the advocates or the testifiers for the minority, because you proved how weak your argument is.

Mr. Chair, I wanted to look at—and if I could have a slide brought up—a little bit of the history of this conversation and where this country stood. Take a look, and I quote, “We are writing to urge your support for a ban on the domestic manufacture of military-style assault weapons. Statistics prove that we can dry up the supply of these guns, making them less accessible to criminals. We urge you to listen to the American public, law enforcement, and support a ban on the further manufacture of these weapons. Sincerely, Gerald R. Ford, Jimmy Carter, and Ronald Reagan.”

This should not be a political issue.

In 2004, we had the opportunity to save even more lives by reauthorizing the ban. Even George W. Bush favored an extension of this lifesaving law. Would you play the clip?

[Pause.]

Ms. DEAN. I am sorry. I guess we don't have it. Could you hold the clock? Is that possible? Do we have the clip? It is a clip of President George W. Bush.

[Pause.]

Ms. DEAN. I see we are having problem with the volume. Oh, there we go.

[Audio plays.]

Ms. DEAN. Unfortunately, President George W. Bush was not able to persuade enough of his Republican colleagues, and the ban expired through inaction. This should not be a political debate.

I will tell you what has changed and what has made it a political debate among politicians only, not among Americans. More than 500,000 Americans have died from gun violence. America has suffered more than 300 mass shootings per year. The NRA ramped up its lobbying of Republican Members. Republican Members on this very committee, 17 of whom the NRA spent a record, excuse me, spending a record \$54 million in 2016 elections alone, and every

single member of the Republican side of this dais has accepted campaign contributions and other support, to a total of \$1.2 million, total.

We know now that no atrocity convinces our Republican colleagues to reject NRA funding and to do what is right—not Sandy Hook, not Parkland, not Las Vegas, not Tree of Life, not El Paso, not Dayton—and I could go on and on. One party has made this a priority, and it is us. It shouldn't be us alone.

It is a question of our common humanity. I am a mother and a grandmother, so I will ask a couple of quick questions, if I may. I would like to start with Mr. Chipman. How does a pistol grip and barrel shroud make it more likely a mass shooter will be able to kill many people?

Mr. CHIPMAN. Well, as Senator Cruz has demonstrated, a barrel of an AR-15 can get really hot if you try to cook bacon on it, so imagine if you are a determined killer and you are firing hundreds of rounds. This would allow you to grip the firearm in a way that would increase your ability to spray fire and kill more people.

Ms. DEAN. To hold on to this hot weapon.

Mr. CHIPMAN. Yes.

Ms. DEAN. To maximize the lethality.

Mr. Chipman, can you provide us your thoughts on the threat to law enforcement since you have been on both sides?

Mr. CHIPMAN. The single biggest threat is how common now rifle rounds have been instituted in now handguns. Traditionally, law enforcement was wearing vests to protect themselves from handguns that fired handgun ammunition. That wasn't enough. The industry purposely has now created weaponry to defeat bulletproof vests, and that is the biggest threat. There is a bill that actually, Ms. Demings has presented, tries to address this. We saw it already this year in Milwaukee, where an officer, executing a warrant, he has got his vest on, but the shooter has an AK pistol and it defeats it.

Ms. DEAN. Thank you, and I will end with this thought. I am a mother, I am a grandmother to second grader, and I have two grandchildren coming this year. So, it is through that lens that I take a look at—please, would you roll the tape. This is a question of our common humanity. We have crossed a threshold no country should have ever crossed.

Please play the tape.

[Video shown.]

Ms. DEAN. Mr. Chair, I yield back, but we will not—

Chair NADLER. The gentlelady yields back. The gentlelady from Florida is recognized.

Ms. MUSCARSEL-POWELL. I apologize. Thank you, Mr. Nadler, Chair. That video is very difficult to watch because I am also a mother, and I lost my father to gun violence. Today, this morning, I answered the phone right when the hearing started, and the school was conducting an active shooter drill. My daughter, who just turned 11 years old, tells me that if she gets locked out of her classroom, if she is going to—

[Pause.]

Ms. MUSCARSEL-POWELL. —if she can't get into the classroom she would try to talk to the shooter and tell him or her to remember

his little brother or sister, to not shoot. This is what our children now have to live with.

I wasn't planning on starting my testimony with that story, but—

I want to share a quote that I received from one of my constituents. He is an ER doctor. He works in the Homestead Baptist Health System, Dr. Woltanski. He told me that, quote, "Assault weapons do a tremendous amount of damage to the human body. The tissue damage and destruction are exponentially worse than a conventional handgun." From the carnage that he has personally witnessed he says that assault weapons, quote, "are not defensive weapons. They are offensive weapons, designed to inflict death, tissue damage, and devastation on the human body, and that is what they do very effectively," end quote.

That is clearly what military-style weapons are designed for. We have seen these weapons of war being used in places like Iraq and Afghanistan, and they are now being used in our very own communities, taking the lives of our children, our parents, our brothers, our sisters. It has to stop, and there is something that we can do here, in Congress, today.

Ms. Muller, you said earlier, which really struck me, you said you were describing a gun and you said, "I love this little gun." It is time to love our children more. We have to take action. That is why we are having this hearing today, because there is a way to protect our children and our communities. It is by passing stricter gun laws.

I am not done here.

Ms. MULLER. With me?

Ms. MUSCARSEL-POWELL. No, no. Please.

In Florida, the pain of losing our loved ones strikes home, very close to home, close to my district. We have had two recent mass shootings that resulted in 65 deaths—65 people that lost their lives. In Parkland, last Valentine's Day, on February 14th, a shooter using an AR-15-style rifle opened fire on high school students that day, and in six minutes the shooter, with his assault weapon, killed 17 people—17 kids, including a coach—and injured 17 others.

In 2016, at Pulse nightclub in Orlando, a shooter using another military-style rifle, fired into a crowd. With the assault weapon he killed 49 people and injured 53 others in a matter of minutes. And in the Pulse nightclub that night was Jerry Wright, the son of my very good friends, Fred and M.J. Wright. He was a wonderful, loving, caring son. He was there to have a good time, to enjoy Latin music that night. And his life was cruelly taken. He was only 31 years old, and I know that M.J. and Fred live with that pain every single day.

Jerry didn't deserve this. His parents didn't deserve this. Because the shooter was able to obtain that military-style rifle, he delivered a devastating fate to the Wright family that day.

These are weapons of war, period, full stop. They don't belong in our communities.

Now, I want to ask Dr. Rios-Tovar, I have spoken to doctors in my district who have described these terrible injuries. Can you just

elaborate what a gunshot wound from an assault rifle looks like, compared to that of a handgun?

Ms. Jackson LEE. [Presiding.] The gentlelady's time has expired. The witness may answer the question.

Dr. RIOS-TOVAR. Like I said earlier, these types of injuries, you can't necessarily see on the outside. That one victim that perished had a single gunshot to the back and out the clavicular area. It looks like a simple through-and-through, not so much going on. Once that autopsy was done, we saw that a hole the size of my fist was through her lung, the apex of the lung, and there was nothing I could do from that point.

Ms. Jackson LEE. The gentlelady's time has expired.

I thank all our Members. I think the witnesses can see the deepness of the passion permeates so many of us. I have been in the United States Congress for 24 years, and that means that I have a lot of personal wounds that do not, in any way, reflect the victims of gun violence who lost their lives. I was here for Columbine, when so many said that we were going to do something.

Let me read this into the record. "Between September 25th and October 1st, the day of the shooting, he stockpiled an arsenal of weapons, associated equipment, and ammunition that included 14 AR-15 rifles, all of which were equipped with bump stocks, 12 of which had 100-round magazines, 8 had AR-10 rifles, a bolt-action rifle, and a revolver. A bump stock modifies a semi-automatic weapon so that it can shoot in rapid succession, mimicking automatic fire."

Mayor, thank you. You are on the ground. Tell us what might have happened if your officers had not run into the face of danger. I have a lot of questions, and so I welcome you going right to it, because we know it. I want the record to have it, to know how they saved lives but how they had to run directly in danger.

Ms. WHALEY. Thank you, Representative. The seven officers that ran to stop the shooter in 32 seconds saved countless lives, because where they stopped the shooter was right outside an entryway to a bar that hundreds had already shoved in and had no way of getting out. If we did not have, as I like to say, six good guys with guns, the amount of damage and death that would have happened could have been in the hundreds.

Ms. Jackson LEE. You had a ban guy armed with an automatic weapon.

Ms. WHALEY. Exactly. You know, he still, in 32 seconds, even with those officers there, killed 9 and injured dozens more.

Ms. Jackson LEE. Thank you. You are here supporting a ban on assault weapons?

Ms. WHALEY. Yes, ma'am.

Ms. Jackson LEE. Chief, you heard me describe what the shooter in Las Vegas had. Mounted on a post, almost like he was in war, on a mountain, hiding, so that those who were making their way up would be in the range of danger. Tell me what, in God's name, one could imagine that any civilian needed those weapons, which resulted in 58 dead and the danger and loss of life even of law enforcement who had to run toward that danger.

Chief BRACKNEY. Absolutely. What he had was the ability to literally inflict the most amount of damage and be stable doing it. It

is kind of hard to hold a weapon indefinitely. The weight starts to get to you. When you have the stabilizers and all the other things that assist you, you can do that for a very long time.

When you want to talk about running towards danger, five officers were shot as they ran into the Tree of Life, attempting to disarm and neutralize the individual who then had killed 11 people at that point in time.

Ms. Jackson LEE. He had an automatic weapon?

Chief BRACKNEY. He had one of those as part of those. He used predominantly his handgun there.

Ms. Jackson LEE. He was armed with such that he could continue.

Chief BRACKNEY. That is exactly correct, that he had done the type of damage that he had done. Absolutely.

Ms. Jackson LEE. You are an MD as well?

Chief BRACKNEY. Oh, no. No. That is the distinguished one. I am a Ph.D.

Ms. Jackson LEE. All right. You are a Ph.D.

Chief BRACKNEY. Yes, ma'am.

Ms. Jackson LEE. Well, we are grateful for your service with that knowledge as chief.

Let me go to Dr. Rios-Tovar and let me offer you my sympathy. I am Texan. I came to El Paso. I saw some of your mastery in those who were alive. I visited victims in both hospitals who had those heinous shots, and I saw the personal wounds of their spirit, but, as well, the physical wounds.

So, let me pose this for my good friends. I welcome the opposition testimony. That is what it is. I respect them because they are Americans. I am adamantly against assault weapons. I believe in a buy-back. I have no shame in that. And I believe that we can do this as Americans. I ask the National Rifle Association to stand with Americans.

Let me give you this picture. Sandy Hook and the babies from 6 and 7 years old, were shot with an automatic weapon. Babies, first-graders. I am sorry to ask you this. What kind of wound would a child's body receive from an automatic weapon? You saw adults, and I am not sure if you saw a child. I know someone was wounded. Tell me about the size of the body, the mass of the body, and that bullet going into a child.

Dr. RIOS-TOVAR. It is not something I would even want to think about imagining, but it would just be devastating. It is not something that I can answer. I am sorry.

Ms. Jackson LEE. It would be worse than you could imagine.

Dr. RIOS-TOVAR. Yeah.

Ms. Jackson LEE. What it would be is an adult having a cavity—you were trying to explain. That is big holes in the body. Is that, not right?

Dr. RIOS-TOVAR. That is correct.

Ms. Jackson LEE. So, the mass of an adult is one or two or three times that of a child. I am not a physician. So, in the essence of a child, maybe the child physically would not be able to be contained.

Dr. RIOS-TOVAR. I would—

Ms. Jackson LEE. Trying to put it in its—

Dr. RIOS-TOVAR. I would just be too horrific to describe.

Ms. Jackson LEE. These are the assault weapons that we are here today trying to ban. To the witnesses, to Mr. Chipman, let me thank you. I did not ask you, but I am familiar with the National Firearm Act, and I think it can be a source of amendment for many of our legislative initiatives. I do believe in the enforcing of legislation in terms of gun trafficking, which makes some of our cities like Chicago and L.A. and other victims, because the guns are trafficked.

I want to read this into the record as I thank the witnesses. Assault weapons account for 430, or 85 percent of the total 501 mass shooting fatalities. This is done by a group of doctors. This is research. In a linear regression model, controlling for yearly trend, the Federal ban period was associated with a statistically significant 9 fewer mass shootings related per 10,000. Mass shooting fatalities were 70 percent less likely to occur during the Federal ban on assault weapons.

The science is clear. The evidence is clear. The murder of our fellow Americans, the loss of life. The victims that are in this audience that have to listen over and over and over again about why we are not acting. We owe them something. This Committee is willing to pay the debt.

I thank each and every one of you for staying this long and helping us to provide the testimony that will have us write, as we have already done, and pass an assault weapons ban.

This concludes today's hearing. We thank all our witnesses for participating. Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

With all our thanks, without objection, this hearing is now adjourned.

[Whereas, at 1:40 p.m., the hearing was adjourned.]

APPENDIX

PubMed

Format: Abstract

Full text links

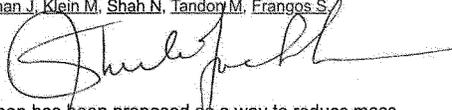
J Trauma Acute Care Surg. 2019 Jan;86(1):11-19. doi: 10.1097/TA.0000000000002060.

Walters Kluwer

Changes in US mass shooting deaths associated with the 1994-2004 federal assault weapons ban: Analysis of open-source data.

DiMaggio C¹, Avraham J, Berry C, Bukur M, Feldman J, Klein M, Shah N, Tandory M, Frangos S

Author information



Abstract

BACKGROUND: A federal assault weapons ban has been proposed as a way to reduce mass shootings in the United States. The Federal Assault Weapons Ban of 1994 made the manufacture and civilian use of a defined set of automatic and semiautomatic weapons and large capacity magazines illegal. The ban expired in 2004. The period from 1994 to 2004 serves as a single-arm pre-post observational study to assess the effectiveness of this policy intervention.

METHODS: Mass shooting data for 1981 to 2017 were obtained from three well-documented, referenced, and open-source sets of data, based on media reports. We calculated the yearly rates of mass shooting fatalities as a proportion of total firearm homicide deaths and per US population. We compared the 1994 to 2004 federal ban period to non-ban periods, using simple linear regression models for rates and a Poisson model for counts with a year variable to control for trend. The relative effects of the ban period were estimated with odds ratios.

RESULTS: Assault rifles accounted for 430 or 85.8% of the total 501 mass-shooting fatalities reported (95% confidence interval, 82.8-88.9) in 44 mass-shooting incidents. Mass shootings in the United States accounted for an increasing proportion of all firearm-related homicides (coefficient for year, 0.7; $p = 0.0003$), with increment in year alone capturing over a third of the overall variance in the data (adjusted $R = 0.3$). In a linear regression model controlling for yearly trend, the federal ban period was associated with a statistically significant 9 fewer mass shooting related deaths per 10,000 firearm homicides ($p = 0.03$). Mass-shooting fatalities were 70% less likely to occur during the federal ban period (relative rate, 0.30; 95% confidence interval, 0.22-0.39).

CONCLUSION: Mass-shooting related homicides in the United States were reduced during the years of the federal assault weapons ban of 1994 to 2004.

LEVEL OF EVIDENCE: Observational, level II/IV.

PMID: 30188421 DOI: [10.1097/TA.0000000000002060](https://doi.org/10.1097/TA.0000000000002060)

Ryan Servaites, *March For Our Lives Co-Founder & Policy Fellow House Judiciary Committee Hearing*

February 14th, 2:21 p.m.–2:21 p.m. is the official time that the Broward County Police Department says a shooter entered the freshman building of my high school, Marjory Stoneman Douglas. About 7 minutes later, at 2:28 p.m., the shooter had left the building, and with it, he left 17 of my classmates and teachers lying dead in the halls and classrooms that they used to call home. 17 innocent souls. 14 Teenagers. And 17 more injured, some not sure if they would survive the horrific wounds that they had sustained. That was my freshman year of high school. I was barely 15 years old. And I walked out of school that day not knowing how many classmates had lost their lives. Not knowing that 17 families would never see their loved ones again, that they would never be able to give them one last hug, one last kiss, one last embrace before they were taken away. That night, I slept with my door open, and although at the time I probably wouldn't have wanted to admit it, I was terrified. 7 minutes. 7 minutes is all it took for a shooter to end 17 lives. 7 minutes is all it took to injure 17 high school students and to traumatize an entire city.

Think about that for one second. 17 people injured, and 17 people left dead in 7 minutes. How in the world did a shooter inflict so much damage in so little time? He used an AR–15 style assault rifle, the weapon of choice for those who commit heinous crimes similar to the horrific events that happened at my school. The AR–15, and weapons like it, have been used in the deadliest mass shootings in American history, from the Pulse nightclub shooting, a horrendous act of hate that left 49 dead, to the Las Vegas shooting, which took 58 lives, to the Sandy Hook Elementary shooting, which took 27 lives, mostly young children (Appendix A).

Gun violence is a complicated and multifaceted epidemic. Yet the magnitude of this epidemic is undeniably in part a result of the capacity for death that these assault weapons have. According to Bushmaster's own user manual, an AR–15 can fire off 45 rounds per minute. In the wrong hands, that is a potential 45 lives gone, 45 families destroyed, and entire communities with broken hearts, all in the span of 60 seconds. This is a weapon with a maximum effective range of 600 meters that has the ability to not just pierce tissue, but to shatter bone, to tear massive gaping holes in the flesh of innocent civilians just going about their daily lives, and as a result, to tear similarly gaping holes into the hearts of communities and families across the country. I fully understand the desire to keep oneself and one's family safe; in fact, I sympathize with it quite a lot. But if shattering bones and causing organs to explode doesn't seem excessive, then I don't know what could.

Whenever someone falls victim to gun violence, entire communities suffer, and friends and families learn a pain that no one should ever have to learn. Assault weapons have the capacity to inflict this pain on a mass scale. Just imagine it for one second. Put yourself in the shoes of a parent, sibling, or friend who just found out that they had lost a loved one forever, that a person who filled them with joy and happiness is now gone. How would you feel? What would you do? Imagine finding out that your child will never come back home from school or from going out with their friends. What would you do to save your child? What lengths would you go to, with the power that you have, that the people of this country have trusted you with, in order to make sure that no one would ever have to feel the pain of losing someone that means so much to you? This is a pain that too many Americans, too many human beings experience every single day. You have the power to at least say that you tried, that you struggled, that you pushed and fought tooth and nail in the name of all those victims, families, and communities.

These are weapons of war. These are weapons of hate. These are weapons of terror and pretending that there is no legislative route to trying to stop, or at least reduce, the damage from these mass shootings isn't just irresponsible, it's unacceptable. That is why we at March For Our Lives unequivocally support H.R. 1296 The Assault Weapons Ban of 2019.

I was in my Spanish class when the fire alarm went off on February 14th. I walked out of the school with my class, like it was any other fire drill, yet before I knew it, I was huddled down under a seat in our school auditorium, texting my parents goodbye, telling them I loved them.

Looking around at the faces of the crouching children beside me, not knowing if these would be the last people I would ever interact with. Not knowing if I would be able to go home and hug my parents and my siblings, and tell them that I loved them, that I was happy to see them, that everything would be okay. I was lucky. 17 others were not. The rest of that year, because we lost a building full of classrooms, I had to spend every other day back in that auditorium, back in that place that I was terrified would be the last place I would ever see. I'm not just asking for change; I'm begging for it. Begging, because I don't want to live in a country

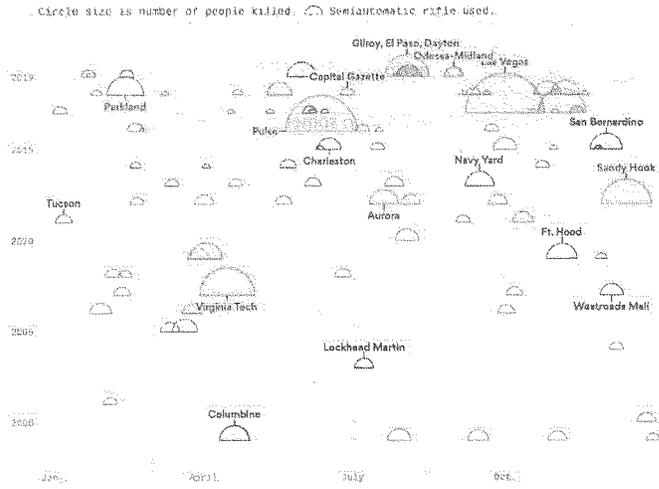
where every other day I read about another community destroyed, another group of innocent lives ripped away from us. As Americans we owe it ourselves to do better, and we can.

H.R. 1296 is a first step, and although I cannot say for sure that it would have prevented what happened at my school, it definitely would have helped mitigate the damage. Saving lives should be the top priority of this Congress and this Committee who are tasked with protecting the safety of the American people. We deserve action from a Congress that so far has shown itself to be complacent in these acts of horror, and in this case, change is knocking at your door.

As a young activist, I am proud to say that I am part of a generation committed to change, focused on action, that cares about each other so much that we are willing to demonstrate and advocate on behalf of the experiences and trauma of one another. We've done our part. We've done the research, we've put in the work, we've organized, advocated, protested for the vision of a world where we are not afraid to go to school or to spend time with friends. We've proposed our Peace Plan for a Safer America, our comprehensive bold national approach to our nation's gun violence epidemic, crafted around this vision of what our world could, and should, be. It's a vision of the world where we can feel safe, where we can feel and be secure, as is our right. A world where 16-year-olds like me don't have to help comfort a friend because of a loud noise, a world where kids can be kids and not have to think about, much less prepare for, a potential mass shooting. To see a friend break down because of a fire alarm going off, to see an entire cafeteria full of people suddenly freeze up in anxious fear in response to a loud noise; these are traumas that no one should have to live through. Yet every day that we don't do something about this issue is another day that breeds more trauma, pain, and loss. These are not just assault weapons.

They are family destroyers. They are child killers. They are the medium by which trauma spreads like wildfire throughout our Nation of terrified worshippers, of anxious school children, of people absolutely on edge, as a result of living their lives. Not a single 14-year-old should spend their final moments staring down the barrel of a machine that won't just take away their life, but that will do so in a horrendous and vicious way. These are horrific, gruesome weapons that have the ability to inflict pain with a magnitude far too large for comfort. This is our moment. This is our moment, as a nation, that we say enough is enough, and that we decide that giving a single individual the ability to take away the lives of 17 others in the span of a few minutes absolutely absurd. The people of America are dying. The children of America are dying. My classmates are already dead. It's about time we do something about it.

Appendix A:



Data: U.S. Mass Shootings, 1980-2019. Data from Mother Jones' Investigation; Chart: Chris Cantor/ANCO.

Appendix B:

Variable	Mass shooting deaths	Mass shooting injuries
State assault weapons ban	-0.8920 (-1.28)**	0.398 (1.16)
Federal assault weapons ban	-1.079 (-7.04)***	-1.733 (-10.10)***
Proportion of population that is black	65.66 (5.13)***	87.07 (4.20)***
Population density	-0.0177 (-2.73)***	-0.0542 (-7.18)***
Real per capita median income	0.000329 (0.48)	0.00021 (2.53)**
Proportion of population with college degree	1.68 (0.70)	-4.72 (-2.21)**
Unemployment rate	-0.0698 (-3.02)	-3.51 (-1.64)
Proportion of population >18 and <25	-55.21 (-5.94)**	-85.27 (-7.81)***
Proportion of population >25 and <25	-39.20 (-5.09)***	-20.59 (-2.65)***
Per capita police population	-0.007362 (-6.42)***	-0.00067 (-0.85)
Log Metropolitan	-1846.43	-2852.63

Notes: ** 1% < p-value < 5%; *** p-value < 1%.

Test statistics are in parentheses.

State and year fixed effects are not reported.

Mark Gius (2015) The impact of state and federal assault weapons bans on public mass shootings, Applied Economics Letters, 22:4, 281-284, DOI: 10.1080/13504851.2014.939367.

The logo for Generation Progress, featuring the words "GENERATION" and "PROGRESS" in white, uppercase letters on a green rectangular background.

Generation Progress
1333 H St NW
Washington, D.C. 20005

September 24, 2019

The Honorable Jerrold Nadler
Chairman
U.S. House Committee on the Judiciary
2132 Rayburn Building
Washington, DC 20515

Dear Chairman Jerrold Nadler,

Under your leadership, the House Judiciary Committee held a markup of three new gun violence prevention bills during the first week back in session, and you have been a leader in calling for a ban on assault weapons. For a country that has long been unwilling to take bold action on gun violence prevention, these past few weeks have finally felt like a step in the right direction. We, who have led this movement for decades both in our own communities and on the national stage, have felt a renewed sense of optimism that the time and energy that activists have poured into making this country safer may actually produce change.

I am passionate about gun violence prevention and I am organizing my community to create lasting solutions. This issue is one that my generation understands better than any that came before us. For this reason, your efforts have not gone unnoticed by us. The bills moving in the House are the start of the conversation, not the end. We need an assault weapons ban that includes a buyback program that gets these weapons of war off our streets, and we need to seriously grapple with the proliferation of handguns that are used in so many instances of everyday gun violence.

Thank you, Rep. Nadler, for having our backs on this deadly epidemic. You have been a consistent leader on the issue of gun violence prevention. We need allies like you in this fight—lawmakers who can translate the solutions we have developed into policy that will make a difference.

Sincerely,

Brent J. Cohen
Executive Director, Generation Progress

And the 932 undersigned:

Judith Wilson	AK 1
Kate Fitzgerald	AK1
Marc Dumas	AK1
Karen Spradlin	AL2
Robert Miles	AL3
Chelsea Vukovich	AL5
Chiquita Etheridge	AL5
Joe McCain	AL5
John Czachurski	AL5
Charles Cohen	AL6
Evelyn McMullen	AR2
Pat Thorne	AZ
Patricia Always	AZ
Philip Shook	AZ
Cheryl Eames	AZ
Elizabeth Enright	AZ1
Dacia Murphy	AZ1
Alison Lueders	AZ1
Sharon Briggs	AZ2
Ronald Hubert	AZ2
Sean Meehan Rn	AZ2
Connie Hupperts	AZ3
Mikael Estarrona	AZ5
Janet Bartos	AZ6
Sarah Caplan	AZ8
Kathy Grieves	AZ8
David Walker	AZ8
Rebecca Augustin	AZ8
Christine Kasten	AZ9
Thom Kinard	AZ9
Dan Begay	AZ9
Eveline Tapp	CA
Jon Bazinet	CA
Robert Celeste	CA
Deanna Knickerbocker	CA
Rick Schulte	CA
Sheilagh Creighton	CA
Karen Rasmussen	CA

David Levy	CA
Cynthia Crittenton	CA
Jordan Briskin	CA
Bridget Koch-Timothy	CA
Jennifer Wilson	CA
Gloria Schneider	CA
Mary Stanistreet	CA
Joel Levine	CA
Pat Thompson	CA
Martin Horwitz	CA
K. Nilsen	CA
Camille Gilbert Gilbert	CA
Monika Holm	CA
Jaime Marshall	CA
William Willis	CA
Eileen MacMillan	CA
Jonathan Day	CA
Joy Massa	CA
Andrea Dixon	CA
Maryellen Redish	CA
Sandy Commons	CA
Rev. John Fernandes	CA
John Teevan	CA1
Karen Seeberg	CA1
Bruce Reinik	CA1
Susan Hathaway	CA11
Michael Abler	CA11
O'Neill Louchard	CA11
Ellen Davis	CA11
Lawrence Dillard Junior	CA11
Penny Luce	CA12
Lauren Linda	CA12
Stacie Charlebois	CA12
Helen Dickey	CA12
Bonnie Burke	CA13
Ken Hughes	CA13
Michael Mills	CA13
Juana Vargas	CA13
Allan Campbell	CA13
Thomas Nulty	CA13

Manuel Ruiz	CA13
Graciela Huth	CA13
Sofia Okolowicz	CA13
Amber Eby	CA13
Lorise Diamond	CA14
Daniel Wilkinson	CA14
Anne Munitz	CA14
Kristine Andarmani	CA15
Howard J Whitaker	CA15
Pamela Hamilton	CA15
Alena Jorgensen	CA16
Lynne Weiske	CA17
Joseph Reel	CA17
Charles Almack	CA17
Casee Maxfield	CA17
Gina Nescd	CA18
Rashid Patch	CA18
Karla Garcia	CA18
Michael A. Johnston	CA18
Justin Truong	CA18
Karen McCaw	CA18
Mike Andrewjeski	CA18
Jerry Nailon	CA18
Sybil Tracey	CA2
John Steponaitis	CA2
Mark Bartleman	CA2
M. Virginia Leslie	CA2
Carlos Arnold	CA2
James Dawson	CA2
Reevyn Aronson	CA2
Etta Robin	CA2
Karl Koessel	CA2
Mary Zamagni	CA2
William Schlesinger	CA2
Wendy Larson	CA2
Joni Pradetto	CA20
Jim Haley	CA20
Pamela Scott	CA20
Eugene Majerowicz	CA20
Carol Taylor	CA21

Shakayla Thomas	CA23
Sara Townsend	CA23
Sharon Hafner	CA24
Lisa Leimone	CA24
Beth Goode	CA24
Nick Stewart	CA24
Sidney Ellison	CA24
Bret Polish	CA26
C P	CA26
Karla Devine	CA26
Frances Goff	CA26
Michael Shea	CA27
Soraya Barabi	CA27
Caryn Graves	CA27
Steven Solomon	CA27
Irene Dobrzanski	CA27
Ana Herold	CA28
Yazmin Gonzalez	CA28
Tia Triplett	CA28
Ann Bein	CA28
Victoria Miller	CA28
Jon Sheehan	CA28
Patti Fink	CA28
Luis Lozano	CA29
Nicholas Lenchner	CA29
Jesse Calderon	CA3
Susan Von Schmach	CA3
Art Van Kampen	CA3
Jon Anderholm	CA30
Pat Lang	CA30
Ryan Davis	CA30
Agnew Wilson	CA30
Marc Hachey	CA30
Michael Bordenave	CA31
Jim Mee	CA31
Michael Sarabia	CA33
Stephen Weatherford	CA33
Marta Peters	CA33
Susan Watts	CA33
Arlene Baker	CA33

Roberta Reed	CA33
Dianne Miller	CA33
Thomas Hernandez	CA34
Ruth Clifford	CA34
Sherrill Futrell	CA36
Stephen Weitz	CA36
Lacey Hicks	CA37
Charles B.	CA37
Gerald Kelly	CA37
Rondi Saslow	CA37
Nawal Tamimi	CA37
Lynda Aubrey	CA37
Lauren Murdock	CA37
Stephen Greenberg	CA37
Jl Angell	CA38
Gabrielle Lee	CA38
James Kirks	CA4
Stephen Josephson	CA4
Carol Gordon	CA4
Linda Pollard	CA42
Ralph Lopez	CA42
Joyce Heyn	CA42
Kimberly Kauffman	CA43
Joel Sokolsky	CA44
Thomas Ray	CA44
Lynn Cohen	CA45
Benjamin Alan Wynne	CA47
Jean Cheesman	CA48
Cynthia McCarthy	CA48
Monica McKeown Gallichio	CA48
Karen Hellwig	CA49
James And Leslee McPherson	CA49
Angela Gantos	CA49
Fred Granlund	CA5
Sandra Hendricks	CA5
Linda Larkin	CA5
Darlene Lovell	CA5
Elaine Edell	CA50
Steve Hoelke	CA51
Richard Tully	CA52

Brandon Smith	CA52
Stormy Jech	CA52
Mari Matsumoto	CA53
Don Swall	CA53
Russell Moore	CA53
David Burtis	CA6
Erin Garcia	CA6
Julie Smith	CA6
Linda Tabb	CA6
Victor Tweed	CA7
J.B. Sacks	CA7
Victor Monjaras	CA9
Harry Corsover	CO
Lawrence Crowley	CO1
Hana Correa	CO2
Rene Bobo	CO2
Kay Lowe	CO2
Tricia Kob	CO2
Janet Swierkosz	CO2
Alan Canfield	CO2
Barbara Porter	CO3
Debbie O'Neill	CO3
Joan Hemm	CO4
Jim Engelking	CO5
Ingrid Rochester	CO5
Nancy Kosnar Hartman	CO5
Kathryn Christian	CO5
Rachel Scarlata	CO5
Dawn Hendry	CO5
Matt Cornell	CO6
Stuart's To Weiss	CO7
Mark Brooke	CO7
Michael Borghi	CO7
Matthew Ford	CT
David Fish	CT1
Bill Bower	CT2
Lar Delfavero	CT2
Diane Matta	CT2
David Dougherty	CT2
Joann Koch	CT2

Jacob R. Raitt	CT3
Kevin Walsh	CT3
Chris Sanders	CT4
Steven Nazarian	CT4
Charlie Burns	CT4
Joseph Gulas	CT4
Keith Ohler	CT5
Sara Nelson	CT5
Brittney Souza	DC
Linda Finkel-Talvadkar	DC
Edwith Theogene	DC
Emily Leach	DC
Charlotte Hancock	DC
Philip Dooley	DC1
Carson Bear	DC1
Evelyn Fraser	DC1
Brent Cohen	DC1
Stephany Perez Cohen	DC1
Oshane McRae	DE1
Carol Collins	DE1
Kathleen Eaton	DE1
Clayton Mumaw	DE1
Reuben Matthews	FL
Dawn Matta	FL
Fred Davis	FL
J Heigl	FL
George Craciun	FL10
Thomas Koester	FL10
John West	FL12
Brenda Smith	FL13
Paula Morgan	FL13
Cheryl Gaiefsky	FL13
Cheryl Whitehurst	FL13
Liz Tymkiw	FL14
Robert Oberdorf	FL14
Red Mendoza	FL14
Joan Gracyk	FL14
Judith Peter	FL15
Gregory D Simpson	FL16
Jeanette Mayer	FL16

Walt Koenig	FL16
Richard Beaulieu	FL16
Jerry Hicks	FL16
Jan Axelrod Rn	FL16
Michael Siehien	FL17
Jane Wiley	FL17
Grace Wong	FL17
Elaine Furman	FL17
Lauren Tucker	FL17
Patricia Deluca	FL18
Christian Camphire	FL18
Terry Shetler	FL19
Eleanor Kaye	FL20
John Thomas	FL20
Charlie Weaver	FL20
Joseph Alicea	FL21
Jim Loveland	FL21
Thomas Perez	FL22
Susan Preston	FL23
Maryann Piccione	FL23
George Spillers	FL23
Michael Shapiro	FL24
Nancy Strong	FL27
Nancy Stamm	FL4
Lisa Thompson	FL4
Susan Potash	FL5
Andrea Zimmerman	FL5
Lasha Wells	FL6
Keith Koelling	FL6
Regina Walther	FL7
Myra Dewhurst	FL7
Hipolito Arriaga	FL7
Paul Kornberg	FL8
Stefan Taylor	FL8
Felicity Hohenshelt	FL8
Linda Kanter	FL9
Fred Coppotelli	FL9
Kari Jackson	GA
T Garmon	GA11
Julie Carlisle	GA11

Carolyn Turner	GA11
Jennifer Scott	GA13
Charles Relyea	GA4
Mark Koritz	GA5
Riley Canada II	GA6
Lisa Klein	GA6
Joel Roache	GA9
John Wienert	GA9
Tia Pearson	HI
Mary N	HI1
Freya Harris	HI2
Carla Hess	HI2
Julie Mitchell	HI2
Deb Lincoln	IA
Jonathan Boyne	IA1
Sheri Deal-Tyne	IA1
Patricia Everly	IA1
Diane Pierce	IA2
Brian Stout	IA2
Kevin McKelvie	IA3
Alexander Honigsblum	IA4
Melody Lockard	ID
Charlotte Feck	ID1
John A Beavers	IL
Georgia Shankel	IL
Margaret Thomas	IL1
Debra Gleason	IL1
Paul Johnson	IL1
David Stanley	IL1
Claire Battle	IL10
Elizabeth McAuliffe	IL11
Angela Clark	IL11
Thomas Sarelas	IL11
Darrel Follman	IL11
Erin Orozco	IL11
Marilyn Davis	IL12
Janine Hicks	IL13
Maureen Verwiel	IL16
Maria Gonzalez	IL17
Dawn Albanese	IL18

Brian Chapman	IL2
Karen Wilson	IL4
Beverly Mitchell	IL5
Matthew Klimczak	IL5
Elizabeth Roberts	IL5
Meredith West	IL5
Barbara Sullivan	IL5
Lydia Shepard	IL5
Mark Grotzke	IL5
Josef Koeppl	IL5
Mike Butche	IL5
Karen Stacey	IL5
Ira Kriston	IL7
Debra Harris	IL7
Linda Roberts	IL7
Carolyn Massey	IL7
Brad Walker	IL8
Jackie Smizer	IL9
Kim Hall	IL9
Danette Herath	IL9
Alex A. Bobroff	IL9
Tamara Dreier	IL9
Patricia Pruitt	IL9
Joel Libman	IN1
Jon Solmos	IN1
Manetric Douglas	IN2
Mark Grassman	IN3
Marian Cooley	IN4
Nancy Hanson	IN4
Paul Eisenberg	IN4
John Kirchner	IN5
Marcia Lewis	IN6
Steve Gray	IN7
Sally Small	IN7
Patricia Fleetwood	IN7
Donna Ehret	IN7
Bruce Hlodnicki	IN7
Thomas Mosby	IN8
Charles Happel	IN8
Lloyd Loring	IN9

Candie Glisson	IN9
Jane Asbury	KS
Brad Miller	KS1
Kathe Garbrick	KS2
Seth Cramer	KS2
Barry Shook	KS3
Steven Black	KS3
Mike Lundgren	KS4
David Renwick	KY3
Tim Fleischer	KY3
Stephen Dutschke	KY3
W. C.	KY3
Ann Morehouse	KY3
Gayle Sprague	KY3
Kristin Arioli	KY5
Johnny Hall	KY6
Nick Delaune	LA
Rolf Friis	LA2
Bill Vom Weg	LA2
George Bond	LA6
Richard Edelman	MA
Isaiah Plovnick	MA
Chris Wheeler	MA
Maryanna Foskett	MA1
Emma Houseman	MA2
Gary Thaler	MA3
Don Thompson	MA4
Allan Smid	MA4
Tyra Pellerin	MA5
Sybil Schlesinger	MA5
Diane McMahon	MA5
Wendy Lanchester	MA5
Raymond Allain	MA5
Sagar Patel	MA5
Eleanor Jones	MA5
Terrance McIntosh	MA5
Deborah Barolsky	MA6
Kara Gallant	MA6
Richard Sweeney	MA7
Teresia Lafleur	MA7

Kendra Leigh Speedling	MA8
Bart Ryan	MA9
Sue Copeland	MA9
Charleen Strelke	MA9
Nancy Rupp	MD
Nancy Shaw	MD1
Ariana Lobasso	MD2
Tracey Katsouros	MD3
Robbie White	MD3
Sharon Ellison	MD4
Michael Blumenstock	MD4
Kelly Allison	MD4
Maureen Wheeler	MD5
Becky Hagee	MD5
Aaron Ucko	MD6
Tyrone Beasley	MD6
Erik Feder	MD8
John Hamilton	MD8
Donald Watson	MD8
Edward Larkey	MD8
Meya Law	MD8
Victoria Cross	MD8
M. Langelan	MD8
Chris Nanna	MD8
John Bernard	ME
Alexander Pryor	ME1
Rima Rosenthal	ME1
Allison Fleck	ME1
Ellen Brouillet	ME2
John Hagen	MI
Jill Manske	MI1
Jazmine Harvey	MI1
Harvinderjit Saran	MI1
Herman S Simms Jr	MI1
Matt Brzezinski	MI1
Craig Feese	MI11
Kyle Peterson	MI11
Heath Post	MI11
Peggy Malnati	MI12
Christy Burns	MI12

Nicole Dambrun	MI13
Sasha Jackson	MI13
John Renfrew	MI14
Bruce Callen	MI14
Marc Archer	MI14
Sarah Adrian	MI14
Linda Luke	MI14
Toni Hamilton	MI2
Joseph Good	MI2
Henry Newhouse	MI3
Keith D'Alessandro	MI3
Maria Miller	MI4
Rebecca Sundberg	MI5
Robert Kowal	MI6
Jeanine Weber	MI6
Art Hanson	MI7
Flora Greig	MI8
Janet Albertson	MI8
Barbara Bachman	MI8
Carole Pappas	MI9
Paul Martin	MI9
Dean Borgeson	MN2
Robert Albers	MN2
Donna Seabloom	MN3
Elizabeth Songalia	MN3
Judith Carlson	MN3
Susan Jordan	MN3
Lynn Madsen	MN3
William 'skip' Dykoski	MN3
Elizabeth And Wayne Paulson And Mayer	MN4
Jeanne Claridge	MN4
Arthur Rosenberg	MN4
Sarah Lantto	MN4
Janine Gaboury	MN5
Laurence Margolis	MN5
John Viacrucis	MN5
Joanne Tollison	MN6
John Leinen	MN6
Brad Snyder	MN6

Harriet McCleary	MN6
Lynn C. Lang	MN6
Rudolf Diethelm	MN7
Ryan Baka	MN8
C.E.Duffy Duffy	MO
Cody Goin	MO
Joe Cunningham	MO1
Sister Carol Boschert	MO2
Lisa Rice	MO2
Robert Haslag	MO2
Sheri Snyder	MO3
Karen Doerr	MO4
T C	MO5
Patricia Claytor	MO5
Harold Watson	MO7
Cara Artman	MS3
Nancy Brown	NC
Richard Ashton	NC
Eileen Juric	NC
Rebecca Burmester	NC1
Janet McCalister	NC10
Robin Shepard	NC10
Connie Raper	NC12
Philip Buchanan	NC13
Jim Thomas	NC3
Z. Vijay Director	NC3
Alice Stack	NC4
Robert Belknap	NC4
Heide Coppotelli	NC4
Jay Newhard	NC4
Jeff Chandler	NC4
Tracy S Troth	NC5
Terry Kostiuk	NC5
Alan Katzer	NC5
Abbygale Huffman	NC8
Becky Ceartas	NE1
Carissa Fairchild	NE1
Marta Dawes	NE3
Natalie Van Leekwijck	NH
Sammia Panciocco	NH

Donald Leisman	NH1
Carl Prellwitz	NH1
Rhonda Mandato	NH2
Janet Prince	NH2
D Carr	NH2
Eric Whitman	NJ
George Bourlotos	NJ
Styra Eisinger	NJ
Ronald Harkov	NJ
Bettie Reina	NJ10
Noemi Bancroft	NJ10
Linda Henson	NJ11
Janis Todd	NJ11
Brian Wright	NJ11
George Abaunza	NJ11
Sue Szabelak	NJ12
Cheryl Dzubak	NJ12
Stuart Weinstock	NJ12
Michelle McKenney	NJ2
Charles Thomas	NJ2
Philip J. Hyun	NJ2
John Ruhl	NJ2
Denise Lytle	NJ2
Corey Schade	NJ3
Peter Burval	NJ4
Judith Brickman	NJ5
Rosadelle Perez	NJ5
Paul Riley	NJ5
Timothy Beitel	NJ6
Jarrett Cloud	NJ6
Shery Stover-Volker	NJ6
Susan Nierenberg	NJ7
Ro Vanstrien	NJ7
Graham Ellis	NJ7
Connie Lowber	NJ7
Halie Hennessey	NJ8
Adele E Zimmermann	NM
Chris Calvert	NM1
Linda Morgan	NM1
Cori Bishop	NM2

Shannon Caruso	NM2
Bo Bergstrom	NM2
I. Engle	NM3
Gregg Taylor	NM3
Susan Peirce	NM3
Cynthia Edney	NM3
Patricia Michaels	NM3
Nancy Fohn	NM3
P. Sturm	NV
Lynn Krikorian	NV2
Derek Gendvil	NV2
Roxie Piatigorski	NV2
Ronald Christ	NV3
Faith Franck	NV3
Helen Stuehler	NV3
Guy Perkins	NV4
Pamylle Greinke	NY
John Stracquadiano	NY
Ron Przybycien	NY
Ricky Gitt	NY
Adam Stein	NY
Joyce Shiffrin	NY
Eli Hegeman	NY
Michele Paxson	NY
S. Jane Fritz	NY
Ellen M McLaughlin	NY
Neil Freson	NY
Larissa Matthews	NY
Michael Brandes	NY
Alix Keast	NY
Irene Villasenor	NY
Dmitry Landa	NY
Paul S. Lipton	NY
Mehry Sepanlou	NY1
Dawn Kenyon	NY1
Ellie Maldonado	NY1
Igor Tandetnik	NY10
Stephen Hopkins	NY10
Javier Rivera	NY10
Arthur Schurr	NY10

Robert Sholtez	NY10
Andrew Amore	NY10
Richard Stern	NY10
Sharon Longyear	NY10
Nikhil Shimpi	NY10
Pablo Bobe	NY10
Jennifer Alberghini	NY12
Lee Margulies	NY12
Chris Washington	NY12
Linda Rudman	NY12
Shari Juranic	NY12
Claudia Devinney	NY13
Karlene Gunter	NY13
Kimberly Wiley	NY13
Ilene Thompson	NY14
Andrew Kurzweil	NY16
Mark Mansfield	NY16
Michael Villanova	NY16
Michael Violante	NY17
Judy Lasko	NY17
Janine Vinton	NY18
Audrey Peltz	NY18
Zoe Strassfield	NY18
Phillip Hope	NY19
Marie Garescher	NY19
Roy Hunt	NY2
Connie Allison	NY2
Joy Smiley	NY20
S. Nam	NY20
Jennifer Baratta	NY20
Bill Rosenthal	NY21
Madeline Grimes	NY22
John Markowitz	NY23
Beth Darlington	NY23
Thomas GIBLIN	NY23
Lynne Teplin	NY23
Meredith Kent-Berman	NY25
Susan Flyer	NY25
B A Armstead	NY25
Rhoda Levine	NY25

Wendy Walters	NY25
Susan Castelli-Hill	NY26
Sasha Silverstein	NY27
Deborah Carroll	NY27
Nick Jensen	NY27
Lisa Kagan	NY3
Catherine Cuello-Fuente	NY3
Eugenia Grignon	NY3
James. Yvonne Tittle	NY4
Kahlil Goodwyn	NY5
Anthony Martinez	NY7
Toby Marxuach-Gusciora	NY7
Arrie Hammel	NY8
Samantha Orszulak	NY8
Obie Hunt	NY9
Anita Smith	NY9
Madelyn Roesch	NY9
Daniel L. Harris	NY9
Mark Smyth	NY9
Kate Skolnick	NY9
Sophia C McAllister	OH
Michael Klein	OH1
Justin Philipps	OH10
Rosamond Smith	OH10
David Longacre	OH10
Don McKelvey	OH10
Evan Duffley	OH11
Cathy Wootan	OH11
David Bly	OH12
Cate Renner	OH12
Bill Bruder	OH12
Ann C. McGill	OH12
Lowell Palm	OH13
Wendy Mizanin	OH13
J. F.	OH14
Judy White	OH15
Rochelle Lazio	OH16
Patricia Dion	OH16
Gina Bates	OH16
Taylor Smith	OH2

Richard Boyce	OH5
Barb Deleone	OH5
Meredith Needham	OH6
Florence Ontko	OH8
Bette Jo Hammer	OH9
Jeff McCollim	OH9
Elizabeth Davis	OK
Jeffrey Fernandez	OK
Steve Cardell	OK3
Nora Carranco	OK5
Michelle Damico	OR
Katherine Wright	OR
Maxine Sheets-Johnstone	OR
Edith Orner	OR
Kristen Swanson	OR
Tod Boyer	OR
Carolyn Latierra	OR1
Marcel Liberge	OR1
Tracy Richards	OR1
Anthony Albert	OR3
Dan Sherwood	OR3
Janna Piper	OR3
William Hutchison	OR3
Eileene Gillson	OR3
Angie Heide	OR3
Robin Patten	OR4
Ted Silen	OR4
Bill O'Brien	OR4
B Barbara Parlman	OR4
Bc Shelby	OR4
Clifford Spencer	OR4
Beth Levin	OR5
Sandi Comez	OR5
Sharon Jo Burge	OR5
Jo Forkish	OR5
Charles Langford	OR5
Kathie E Takush	PA
Berte Rosin	PA
John Comella	PA
Elaine Wentland	PA

Michael Balsai	PA
Brian Sund	PA1
William Roseberry	PA1
Barry Cutler	PA1
Kathryn Bluhm	PA1
Calvin Smith	PA10
Hilary Michels	PA10
Linda Beschert	PA11
William Elwood	PA11
Melinda Robinson-Paquette	PA11
Lynne Hancock	PA12
Susan Thompson	PA14
Peter Hecht	PA14
Greta Aul	PA16
Michael Zuckerman	PA18
Evan Hartman	PA18
Stephen Moyer	PA18
Michael Lombardi	PA18
Kay Reinfried	PA2
Susan Kawtoski	PA2
Steven Zimmerman	PA3
Patricia Miller	PA3
Mari McShane	PA3
Mara Wolfgang	PA4
Albert Coffman	PA4
Emily Pitner	PA4
O Goodman	PA4
Henry Albert	PA5
Edward Drinkwater	PA5
Ed Young	PA5
Chuck Oatman	PA6
Pat Saloga	PA6
Bob Moyer	PA7
Kayla Costello	PA9
Grace Henning	PA9
Ahren Ream	PA9
Mitchell Chaikin	PR
George Penedo	RI1
Sheila Ward	RI2
Kathy Bradley	SC1

Li-Ling Yang	SC2
Amber Gaither	SC2
Virginia Caraco	SC2
Caroline Hair	SC4
Carol Dodson	SC5
Carol Maghakian	SC5
Carol Kelley	SC7
Elizabeth Karen Bates	SD1
John Hammel	TN1
Chris Drumright	TN2
Deb Howard	TN4
Troy Bidwell	TN5
Alexander Whittle	TN7
Barbara Fletcher	TX
Carol Grimm	TX
James Roberts	TX
Robert Krone	TX
Carol Fly	TX1
Edward Kem	TX1
Pam Wallace	TX10
Eric Meyer	TX10
Anil Prabhakar	TX15
Pamela Carrillo	TX15
Pam Evans	TX17
Thinh Ngo	TX17
Mary Cato	TX20
Garry Kramchak	TX20
Greg Sells	TX20
Barb Creason	TX21
Billy Burnett	TX21
Sarah Weynand	TX21
Dave Mills	TX22
Kathryn Burns	TX22
Joshua Seff	TX24
Thomas Nieland	TX25
Martha Gorak	TX25
Dallas Windham	TX26
Roel Cantu	TX27
Georgia Couch	TX28
Kathy Spera	TX3

Jim McElroy	TX32
Janet Nongbri	TX33
Robert Seigle	TX34
Hali Raines	TX35
Kay Darwin	TX36
Laura Esparza	TX4
Patricia Foley	TX5
Sandra Lynn	TX5
Lisa Stone	TX6
Vince Mendieta	TX6
Paul Haggard	TX6
Cheryl Sheldon	TX6
Karen Williams	TX7
James Klein	TX9
Pat Annoni	UT2
Mary Whitehead	UT3
James Shoop	UT3
Nancy Fahey	UT4
Christine Skidmore	UT4
Linda Chambers	VA1
Robert Pool	VA1
Alyssa Freeman	VA1
Quentin Fischer	VA10
Nicole Miller	VA10
Liz Dyer	VA2
Derek Meyer	VA3
Elaine Becker	VA3
C. Kasey	VA5
Kailey Kefi	VA5
Michael Pan	VA6
Eric Myra	VA6
Kenneth Lederman	VA7
Don Barth	VA7
Holly Stuart	VA8
Theo Giesy	VA8
Dawn Davison	VA8
Lois Lommel	VA8
Katie Carter	VA8
Sam Inabinet	VA8
Steven Nasir	VT

Joan M Sakalas	VT
Kristine Winnicki	VT1
Jerry Miller	WA
Jared Howe	WA
Richard Johnson	WA
Matthew Boguske	WA
Chloe Key	WA1
Robert Blumenthal	WA1
David L. Edwards	WA1
Noel Barnes	WA1
Sheila Gille	WA1
Derek Benedict	WA10
Gill Fahrenwald	WA2
Sierra Sanchez	WA2
Gloria McClintock	WA3
Nancy White	WA3
Ken Loehlein	WA3
Anne Hepfer	WA4
Beverly Vonfeld	WA5
Anthony Buch	WA6
Barbara We	WA7
Victoria Urias	WA7
Diane Marks	WA7
Linda Feletar	WA7
Lorraine D. Johnson	WA7
Raeann Scott	WA7
Bonnie Hearthstone	WA8
Vanessa Jamison	WA9
Rebecca Deardorff	WA9
Dave Searles	WI
Russell Novkov	WI
David Asman	WI1
Marie Veek	WI1
Joyce Frohn	WI2
Mary Hayes	WI2
Lynn Shoemaker	WI2
Lillian Nordin	WI2
Rachel Scott	WI4
Aleks Kosowicz	WI4
Donnette Weiterman	WI5

Sandra Rohde	W15
Nicolas Humphrey	W15
Mark Latiker	W15
Linda Melski	W16
Kerry Moore	W17
Edward Ruppert	W17
Suzy Clarkson Holstein	W17
Richard Russo	W17
Nancy Moore	W18
Edward Mrkvicka	W18
K Krupinski	W18
Lowell Austin	WV1
Justina Gruling	WV3
Patricia Jean Young	WY1
Evelyn Griffin	WY1

**FCNL Statement to the U.S. House Judiciary Committee,
pertaining to its hearing:**

The Friends Committee on National Legislation's (FCNL) Quaker faith compels us to seek a society where every person's potential may be fulfilled. We believe that through the Spirit there is always a chance for reconciliation, rehabilitation and personal transformation. Too often, the presence of guns at critical times cuts short potential opportunities for redirection and renewal, resulting in tragic consequences. These principles guide our work on gun violence prevention. More specifically, these values lead FCNL to urge Congress to pass legislation that would ban assault weapons.

Military style weapons are specifically designed to be used in a battlefield. There is no reason they should exist in our communities or our streets. Created for combat, assault weapons are designed to kill large numbers of people in a short period of time. As such, they are used disproportionately in mass shootings. Some of the deadliest mass shootings in America were committed with assault weapons: Las Vegas, NV; Orlando, FL; Newtown, CT; and Sutherland Springs, TX are just a few examples. Today, anyone can buy an assault weapon from unlicensed private sellers, including people with criminal records.

A study of mass shootings between 1981 and 2017 found that assault rifles accounted for 86 percent of the 501 fatalities reported in 44 mass shooting incidents.¹ A 2018 study found that mass shooting fatalities were 70 percent less likely to occur between 1994 to 2004 when the assault weapons ban was in effect.² Further, an assault weapons ban would have prevented 314 of 448 mass shooting deaths that happened before or after the federal assault weapons ban of 1994.³

Less access to assault weapons could result in less lethal or fewer crimes. Research on this issue remains scarce, and we need more information in order to learn more. However, a 2017 study estimated that, when taken together, assault weapons and high capacity magazines account for 22–36 percent of guns used in crimes.⁴ It's only by reducing the amount and deadliness of weapons in our society that we can make progress towards making our communities safer.

An assault weapons ban is a necessary step to reducing gun violence in our communities, particularly the most gruesome violence. Congress must uphold its moral obligations and take meaningful action to prevent more tragic violence at the hands of guns. **We urge Congress to mark up and pass the Assault Weapons Ban of 2019 (H.R. 1296).** We are long past the time for Congressional action on this issue. The level of gun violence that we see across our country is not normal, and it is not outside of our control. Only by enacting substantive legislation can we begin to tackle the complex problem of gun violence in our country and our society. There is no need for weapons of war to be in our communities and in our streets. We are ready to work with Congress to help make this a reality.

¹ https://everytownresearch.org/assault-weapons-high-capacity-magazines/I/foot_note_6.

² DiMaggio, C., Avraham, J., Berry C., *et al.* Changes in US mass shooting deaths associated with the 1994–2004 Federal Assault Weapons Ban: analysis of open-source data. *Journal of Trauma and Acute Care Surgery*. 2019 Jan.; 86(1):11–19. <https://www.ncbi.nlm.nih.gov/pubmed/30188421>.

³ *Ibid.*

⁴ Koper, C., Johnson, W., Nichols, J., *et al.* Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: An Updated Examination of Local and National Sources. *Journal of Urban Health*. 2018 June; 95(3): 313–321. <https://link.springer.com/article/10.1007/s11524-017-0205-7>.

CSGV | THE COALITION TO STOP GUN VIOLENCE

ASSAULT WEAPONS FAQ

WHAT IS AN "ASSAULT WEAPON"?

An "assault weapon" is a firearm with certain features that make it easier to shoot many bullets across a wide area in a short time. Assault weapons can be handguns or long guns (like the AR-15 rifle or AK-47). There are three key features that distinguish whether a firearm is an assault weapon:

1) Semiautomatic (meaning you do not need to reload after each shot);

2) The ability to accept a detachable magazine;



3) Pistol grip on a rifle *or* a combination of a forward pistol grip and barrel shroud.



Photos from <https://trendct.org/2016/07/25/here-are-parts-make-assault-weapon/>

WHAT FEATURES MAKE A GUN INTO AN ASSAULT WEAPON?

Some assault weapon features, like pistol grips, second handgrips, or barrel shrouds, make the gun easier to hold with two hands. This allows the shooter to spray an area with bullets without taking careful aim, and to control the gun without getting burned as the barrel heats up. Others, like detachable magazines, make it easier to maintain a high rate of fire for an extended period of time. Still others, like flash suppressors, allow the shooter to conceal their position. These features, most of which were specifically designed for the military, are unnecessary for hunting or target shooting.



WHAT WAS THE FEDERAL ASSAULT WEAPONS BAN?

In 1994, after a string of mass killings committed by criminals with assault weapons, Congress passed a law banning certain assault weapons. The 1994 law named 19 specific models and also banned “copies or duplicates” of those models. In addition, the law outlawed guns that had two or more specified assault weapon features (referred to as the two-features test). Guns that were legally possessed before the effective date of the law remained legal.

WHAT WAS THE “SUNSET CLAUSE”?

The 1994 assault weapons ban included a “sunset clause” providing that the law would be automatically repealed on September 13, 2004. President Bush professed support for renewing the ban but refused to lobby Congress to pass new legislation. When Congress failed to act to extend the ban, assault weapons again became legal under the provisions of federal law.

DURING THE TIME OF THE 1994-2004 BAN, HOW WAS IT POSSIBLE THAT CRIMES WERE COMMITTED WITH ASSAULT WEAPONS?

The 1994 law included several loopholes that gun makers and dealers exploited to continue making and selling assault weapons that Congress intended to ban. As a result, many assault weapons remained available.

Some gun companies made inconsequential design changes (like moving a screw or replacing a flash suppressor with a “muzzle brake”) and gave the gun a new name. The new name got the gun off of the prohibited list, and the minor change arguably put it out of reach of the law’s “copies or duplicates” language. For example, the banned TEC-9 became the legal AB-10.

Also, some gun companies copied assault weapons that were originally made by other manufacturers. For example, Bushmaster’s XM15 was a copy of the banned Colt AR-15, with one minor design change. Functionally equivalent in all relevant respects to its banned cousin, the XM15, like innumerable other AR-15 variants, remained legal. The DC-area sniper allegedly used a new Bushmaster XM15 to shoot 13 victims, killing 10.

Finally, because the 1994 law allowed the continued ownership and sale of “pre-ban” assault weapons, those weapons remained available.

WHICH STATES HAVE ASSAULT WEAPON BANS?

Seven states and the District of Columbia have an assault weapons ban law: California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York.



WHAT IS CONGRESS DOING TO REINSTATE THE ASSAULT WEAPONS BAN AND ADDRESS THE LOOPHOLES IN THE 1994 LAW?

Since the assault weapon ban expired in 2004, Senator Dianne Feinstein and other Members of Congress have continued to introduce bills that would reinstate the assault weapons ban, finally ensuring that military-style assault weapons are banned from the civilian marketplace.

In the 116th Congress, Representative David Cicilline and Senator Dianne Feinstein introduced H.R. 1296/S. 66, the “Assault Weapons Ban of 2019.” This legislation would reinstate and strengthen the 1994 ban to effectively prevent the gun industry from circumventing Congressional intent by continuing to manufacture and market deadly assault weapons.

MAY 2019



Black Homicide Victimization in the United States

An Analysis of 2016 Homicide Data

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THE EPIDEMIC OF BLACK HOMICIDE VICTIMIZATION

The devastation homicide inflicts on black teens and adults is a national crisis, yet it is all too often ignored outside of affected communities.

This study examines the problem of black homicide victimization at the state level by analyzing unpublished Supplementary Homicide Report (SHR) data for black homicide victimization submitted to the Federal Bureau of Investigation (FBI).¹ The information used for this report is for the year 2016 and is the most recent data available. This is the first analysis of the 2016 data on black homicide victims to offer breakdowns of cases in the 10 states with the highest black homicide victimization rates and the first to rank the states by the rate of black homicide victims.

It is important to note that the SHR data used in this report comes from law enforcement reporting at the local level. While there are coding guidelines followed by the law enforcement agencies, the amount of information submitted to the SHR system, and the interpretation that results in the information submitted (for example, gang involvement) will vary from agency to agency. While this study utilizes the best and most recent data available, it is limited by the quantity and degree of detail in the information submitted.²

NATIONAL DATA

According to the FBI SHR data, in 2016 there were 7,756 black homicide victims in the United States. The homicide rate among black victims in the United States was 20.44 per 100,000. For that year, the overall national homicide rate was 5.10 per 100,000. For whites, the national homicide rate was 2.96 per 100,000. Additional information contained in the FBI SHR data on black homicide victimization is below.

SEX

Of the 7,756 black homicide victims, 6,748 (87 percent) were male, 1,003 (13 percent) were female, and five were of unknown sex (less than one percent). The homicide rate for black male victims was 37.12 per 100,000. In comparison, the overall rate for male homicide victims was 8.29 per 100,000. For white male homicide victims it was 4.39 per 100,000. The homicide rate for female black victims was 5.07 per 100,000. In comparison, the overall rate for female homicide victims was 1.97 per 100,000. For white female homicide victims it was 1.55 per 100,000.

1 The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program collects basic information on serious crimes from participating police agencies and records supplementary information about the circumstances of homicides in its unpublished Supplementary Homicide Report (SHR). Submitted monthly, supplementary data consists of: the age, sex, race, and ethnicity of both victims and offenders; the types of weapons used; the relationship of victims to offenders; and, the circumstances of the homicides. According to the FBI's Uniform Crime Reporting Program, supplementary data are provided on only a subset of homicide cases. Additionally, SHR data are updated throughout the year as homicide reports are forwarded by state UCR programs.

2 In 2016, as in years past, the state of Florida did not submit any data to the FBI Supplementary Homicide Report. Also in 2016, data from Alabama was not available from the FBI. Data from Florida and Alabama was not requested individually because the difference in collection techniques would create a bias in the study results.

AGE

Five hundred one black homicide victims (seven percent) were less than 18 years old and 146 black homicide victims (two percent) were 65 years of age or older. The average age was 31 years old.

MOST COMMON WEAPONS

For homicides in which the weapon used could be identified, 87 percent of black victims (6,505 out of 7,442) were shot and killed with guns. Of these, 66 percent (4,319 victims) were killed with handguns. There were 540 victims killed with knives or other cutting instruments, 193 victims killed by bodily force, and 117 victims killed by a blunt object. In comparison, 67 percent of white victims and 78 percent of victims of all races were killed with guns.

VICTIM/OFFENDER RELATIONSHIP

For homicides in which the victim to offender relationship could be identified, 75 percent of black victims (2,297 out of 3,054) were killed by someone they knew. Seven hundred fifty-seven victims were killed by strangers.

CIRCUMSTANCE

For homicides in which the circumstances could be identified, 71 percent (3,051 out of 4,315) were not related to the commission of any other felony. Of these, 48 percent (1,470 homicides) involved arguments between the victim and the offender, and 17 percent (523 homicides) were reported to be gang-related.

There were 116 incidents reported as justifiable homicides of black victims killed by law enforcement in 2016. The SHR does not specifically identify killings by law enforcement that are not ruled justifiable. In the wake of controversial incidents of black citizens killed by law enforcement, media reports have focused on the lack of reliable statistics on lethal incidents involving law enforcement. In December 2015, the FBI announced that it would dramatically expand its data collection on violent police encounters by 2017.³ In October 2016, the U.S. Department of Justice outlined a plan to improve the collection of law enforcement use of force data.⁴

STATE RANKINGS

In 2016, the national black homicide victimization rate was 20.44 per 100,000. For that year, Missouri ranked first as the state with the highest black homicide victimization rate. Its rate of 46.21 per 100,000 was more than double the national average for black homicide victimization. The 10 states with the highest black homicide victimization rates are listed in the following chart. In order to ensure rankings contain stable rates, states with 10 or fewer black homicide victims were not included in the state rankings for 2016. These victims are included in the U.S. total and rate. While not ranked, the number of deaths and black homicide victimization rates for these states are included in Appendix Two.

Additional information for each of these states can be found in Appendix One, including: age and sex of victims; most common weapons used; relationship of victim to offender; and, the circumstances of the homicides. According to the SHR data, for states with more than 10 victims, 17 states had a black homicide victimization rate higher than the national per capita rate of 20.44 per 100,000.

For an alphabetical listing of all states that submitted data to the FBI, please see Appendix Two.

³ "FBI to sharply expand system for tracking fatal police shootings," *The Washington Post*, December 8, 2015.

⁴ "Justice Department Outlines Plan to Enable Nationwide Collection of Use of Force Data," Department of Justice, Office of Public Affairs, October 13, 2016 (<https://www.justice.gov/opa/pr/justice-department-outlines-plan-enable-nationwide-collection-use-force-data>).

NUMBER OF BLACK HOMICIDE VICTIMS AND RATES BY STATE IN 2016, RANKED BY RATE

Ranking	State	Number of Homicides	Homicide Rate per 100,000
1	Missouri	333	46.21
2	Wisconsin	144	37.57
3	West Virginia	24	36.86
4	Illinois*	685	36.40
5	Indiana	205	31.93
6	Kentucky	106	28.85
7	Michigan	402	28.55
8	Tennessee	323	28.41
9	Louisiana	423	27.72
10	Pennsylvania	415	27.50

* Prior to 2016, Chicago and Rockford were the sole reporting jurisdictions that submitted homicide data for inclusion in the FBI Supplementary Homicide Report (SHR). Beginning in 2016, all Illinois law enforcement agencies were required by state law to submit homicide data for inclusion in the SHR.

CONCLUSION

Blacks in the United States are disproportionately affected by homicide. For the year 2016, blacks represented 13 percent of the nation's population, yet accounted for 51 percent of all homicide victims.⁵

The devastation homicide inflicts on black teens and adults is a national crisis that should be a top priority for policymakers to address. An important part of ending our nation's gun violence epidemic will involve reducing homicides in the African-American community.

In addition, individuals living in communities where violence is prevalent are at increased risk for a broad range of negative health and behavior outcomes. An increased understanding of how trauma resulting from community violence influences development, health, and behavior can lead to improvements in the way many social services are delivered as well as policy changes at the local and federal levels.⁶

For black victims of homicide, like all victims of homicide, guns — usually handguns — are far and away the number-one murder tool. Successful efforts to reduce America's black homicide toll, like America's homicide toll as a whole, must put a focus on reducing access and exposure to firearms.

⁵ FBI Supplementary Homicide Report 2016, U.S. Census Bureau population estimates.

⁶ For more information on trauma and community violence, see the July 2017 Violence Policy Center study *The Relationship Between Community Violence and Trauma: How Violence Affects Learning, Health, and Behavior* (<http://www.vpc.org/studies/trauma17.pdf>).

Appendix One: Additional Information for the 10 States with the Highest Rates of Black Homicide Victimization

Missouri

There were 333 black homicide victims in Missouri in 2016.

The homicide rate among black victims in Missouri was 46.21 per 100,000 in 2016.

Ranked 1st in the United States

Age	Twenty homicide victims (6 percent) were less than 18 years old and 2 victims (1 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 333 homicide victims, 286 were male, 46 were female, and 1 was of unknown sex.
Most Common Weapons	For homicides in which the weapon used could be identified, 94 percent of victims (302 out of 322) were shot and killed with guns. Of these, 47 percent (141 victims) were killed with handguns. There were 148 victims killed with firearms, type not stated. There were 12 victims killed with knives or other cutting instruments, 2 victims killed by bodily force, and 3 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 72 percent of victims (75 out of 104) were killed by someone they knew. Twenty-nine victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 60 percent (74 out of 124) were not related to the commission of any other felony. Of these, 77 percent (57 homicides) involved arguments between the victim and the offender.

Wisconsin

There were 144 black homicide victims in Wisconsin in 2016.

The homicide rate among black victims in Wisconsin was 37.57 per 100,000 in 2016.

Ranked 2nd in the United States

Age	Nine homicide victims (6 percent) were less than 18 years old and 3 victims (2 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 144 homicide victims, 124 were male and 20 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 91 percent of victims (128 out of 140) were shot and killed with guns. Of these, 75 percent (96 victims) were killed with handguns. There were 27 victims killed with firearms, type not stated. There were 9 victims killed with knives or other cutting instruments, and 1 victim killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 66 percent of victims (45 out of 68) were killed by someone they knew. Twenty-three victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 71 percent (53 out of 75) were not related to the commission of any other felony. Of these, 70 percent (37 homicides) involved arguments between the victim and the offender.

West Virginia

There were 24 black homicide victims in West Virginia in 2016.

The homicide rate among black victims in West Virginia was 36.86 per 100,000 in 2016.

Ranked 3rd in the United States

Age	Two homicide victims (8 percent) were less than 18 years old. The average age was 26 years old.
Sex	Out of 24 homicide victims, 21 were male and 3 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 100 percent of victims (20 out of 20) were shot and killed with guns. Of these, 65 percent (13 victims) were killed with handguns. There were 7 victims killed with firearms, type not stated.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 67 percent of victims (6 out of 9) were killed by someone they knew. Three victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 100 percent (12 out of 12) were not related to the commission of any other felony. Of these, 33 percent (4 homicides) involved arguments between the victim and the offender.

Illinois

There were 685 black homicide victims in Illinois in 2016.

The homicide rate among black victims in Illinois was 36.40 per 100,000 in 2016.

Prior to 2016, Chicago and Rockford were the sole reporting jurisdictions that submitted homicide data for inclusion in the FBI Supplementary Homicide Report (SHR). Beginning in 2016, all Illinois law enforcement agencies were required by state law to submit homicide data for inclusion in the SHR.

Ranked 4th in the United States

Age	Sixty-three homicide victims (9 percent) were less than 18 years old and 5 victims (1 percent) were 65 years of age or older. The average age was 28 years old.
Sex	Out of 685 homicide victims, 626 were male and 59 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 93 percent of victims (625 out of 670) were shot and killed with guns. Of these, 93 percent (583 victims) were killed with handguns. There were 38 victims killed with firearms, type not stated. There were 27 victims killed with knives or other cutting instruments, 9 victims killed by bodily force, and 4 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 70 percent of victims (89 out of 127) were killed by someone they knew. Thirty-eight victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 88 percent (450 out of 514) were not related to the commission of any other felony. Of these, 11 percent (51 homicides) involved arguments between the victim and the offender.

Indiana

There were 205 black homicide victims in Indiana in 2016.

The homicide rate among black victims in Indiana was 31.93 per 100,000 in 2016.

Ranked 5th in the United States

Age	Nine homicide victims (4 percent) were less than 18 years old and 3 victims (1 percent) were 65 years of age or older. The average age was 30 years old.
Sex	Out of 205 homicide victims, 184 were male and 21 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 93 percent of victims (186 out of 201) were shot and killed with guns. Of these, 58 percent (107 victims) were killed with handguns. There were 70 victims killed with firearms, type not stated. There were 8 victims killed with knives or other cutting instruments, 2 victims killed by bodily force, and 2 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 94 percent of victims (62 out of 66) were killed by someone they knew. Four victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 56 percent (57 out of 102) were not related to the commission of any other felony. Of these, 53 percent (30 homicides) involved arguments between the victim and the offender.

Kentucky

There were 106 black homicide victims in Kentucky in 2016.

The homicide rate among black victims in Kentucky was 28.85 per 100,000 in 2016.

Ranked 6th in the United States

Age	Six homicide victims (6 percent) were less than 18 years old and 1 victim (1 percent) was 65 years of age or older. The average age was 32 years old.
Sex	Out of 106 homicide victims, 88 were male and 18 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 88 percent of victims (90 out of 102) were shot and killed with guns. Of these, 62 percent (56 victims) were killed with handguns. There were 29 victims killed with firearms, type not stated. There were 7 victims killed with knives or other cutting instruments, 2 victims killed by bodily force, and 3 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 73 percent of victims (45 out of 62) were killed by someone they knew. Seventeen victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 61 percent (35 out of 57) were not related to the commission of any other felony. Of these, 43 percent (15 homicides) involved arguments between the victim and the offender.

Michigan

There were 402 black homicide victims in Michigan in 2016.

The homicide rate among black victims in Michigan was 28.55 per 100,000 in 2016.

Ranked 7th in the United States

Age	Thirty-one homicide victims (8 percent) were less than 18 years old and 3 victims (1 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 402 homicide victims, 343 were male and 59 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 91 percent of victims (336 out of 371) were shot and killed with guns. Of these, 41 percent (139 victims) were killed with handguns. There were 183 victims killed with firearms, type not stated. There were 23 victims killed with knives or other cutting instruments, 8 victims killed by bodily force, and 2 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 83 percent of victims (85 out of 102) were killed by someone they knew. Seventeen victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 78 percent (100 out of 128) were not related to the commission of any other felony. Of these, 60 percent (60 homicides) involved arguments between the victim and the offender.

Tennessee

There were 323 black homicide victims in Tennessee in 2016.

The homicide rate among black victims in Tennessee was 28.41 per 100,000 in 2016.

Ranked 8th in the United States

Age	Twenty homicide victims (6 percent) were less than 18 years old and 6 victims (2 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 323 homicide victims, 276 were male and 47 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 87 percent of victims (254 out of 291) were shot and killed with guns. Of these, 48 percent (122 victims) were killed with handguns. There were 122 victims killed with firearms, type not stated. There were 23 victims killed with knives or other cutting instruments, 7 victims killed by bodily force, and 6 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 74 percent of victims (139 out of 188) were killed by someone they knew. Forty-nine victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 75 percent (114 out of 151) were not related to the commission of any other felony. Of these, 60 percent (68 homicides) involved arguments between the victim and the offender.

Louisiana

There were 423 black homicide victims in Louisiana in 2016.

The homicide rate among black victims in Louisiana was 27.72 per 100,000 in 2016.

Ranked 9th in the United States

Age	Thirty-seven homicide victims (9 percent) were less than 18 years old and 10 victims (2 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 423 homicide victims, 369 were male, 53 were female, and 1 was of unknown sex.
Most Common Weapons	For homicides in which the weapon used could be identified, 92 percent of victims (379 out of 410) were shot and killed with guns. Of these, 52 percent (196 victims) were killed with handguns. There were 159 victims killed with firearms, type not stated. There were 17 victims killed with knives or other cutting instruments, 6 victims killed by bodily force, and 2 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 91 percent of victims (162 out of 178) were killed by someone they knew. Sixteen victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 65 percent (158 out of 243) were not related to the commission of any other felony. Of these, 51 percent (80 homicides) involved arguments between the victim and the offender.

Pennsylvania

There were 415 black homicide victims in Pennsylvania in 2016.

The homicide rate among black victims in Pennsylvania was 27.50 per 100,000 in 2016.

Ranked 10th in the United States

Age	Nineteen homicide victims (5 percent) were less than 18 years old and 4 victims (1 percent) were 65 years of age or older. The average age was 30 years old.
Sex	Out of 415 homicide victims, 381 were male and 34 were female.
Most Common Weapons	For homicides in which the weapon used could be identified, 88 percent of victims (343 out of 392) were shot and killed with guns. Of these, 85 percent (290 victims) were killed with handguns. There were 43 victims killed with firearms, type not stated. There were 36 victims killed with knives or other cutting instruments, 10 victims killed by bodily force, and 1 victim killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 84 percent of victims (107 out of 127) were killed by someone they knew. Twenty victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 45 percent (138 out of 306) were not related to the commission of any other felony. Of these, 71 percent (98 homicides) involved an argument between the victim and the offender.

United States

There were 7,756 black homicide victims in the United States in 2016.

The homicide rate among black victims in the United States was 20.44 per 100,000 in 2016.

Age	Five hundred one homicide victims (7 percent) were less than 18 years old and 146 victims (2 percent) were 65 years of age or older. The average age was 31 years old.
Sex	Out of 7,756 homicide victims, 6,748 were male, 1,003 were female, and 5 were of unknown sex.
Most Common Weapons	For homicides in which the weapon used could be identified, 87 percent of victims (6,505 out of 7,442) were shot and killed with guns. Of these, 66 percent (4,319 victims) were killed with handguns. There were 1,866 victims killed with firearms, type not stated. There were 540 victims killed with knives or other cutting instruments, 193 victims killed by bodily force, and 117 victims killed by a blunt object.
Victim/Offender Relationship	For homicides in which the victim to offender relationship could be identified, 75 percent of victims (2,297 out of 3,054) were killed by someone they knew. Seven hundred fifty-seven victims were killed by strangers.
Circumstance	For homicides in which the circumstances could be identified, 71 percent (3,051 out of 4,315) were not related to the commission of any other felony. Of these, 48 percent (1,470 homicides) involved arguments between the victim and the offender.

Appendix Two:
Number of Black Homicide Victims and Rates by State in 2016

State Ranking by Rate	State	Number of Homicides	Homicide Rate per 100,000
	Alabama	N/A	N/A
*	Alaska	10	36.28
24	Arizona	54	15.95
12	Arkansas	117	24.95
15	California	574	22.59
29	Colorado	33	13.25
35	Connecticut	39	9.27
19	Delaware	43	19.93
	Florida	N/A	N/A
26	Georgia	514	15.56
*	Hawaii	4	12.97
*	Idaho	2	13.98
4	Illinois	685	36.40
5	Indiana	205	31.93
20	Iowa	23	19.86
22 (tie)	Kansas	29	16.14
6	Kentucky	106	28.85
9	Louisiana	423	27.72
*	Maine	0	0.00
16	Maryland	398	21.55
33	Massachusetts	61	10.32
7	Michigan	402	28.55
30	Minnesota	40	11.40
32	Mississippi	119	10.57
1	Missouri	333	46.21
*	Montana	0	0.00
27	Nebraska	14	14.59
14	Nevada	68	24.12
*	New Hampshire	2	9.81
18	New Jersey	267	19.95
17	New Mexico	11	21.11
31	New York	386	11.02

* In order to ensure rankings contain stable rates, states with 10 or fewer black homicide victims were not included in the state rankings for 2016. These victims are included in the U.S. total and rate.

State Ranking by Rate	State	Number of Homicides	Homicide Rate per 100,000
28	North Carolina	325	14.43
*	North Dakota	2	8.91
13	Ohio	362	24.27
11	Oklahoma	81	26.61
*	Oregon	7	8.02
10	Pennsylvania	415	27.50
*	Rhode Island	9	10.52
22 (tie)	South Carolina	220	16.14
*	South Dakota	0	0.00
8	Tennessee	323	28.41
25	Texas	552	15.69
*	Utah	1	2.42
*	Vermont	0	0.00
21	Virginia	298	17.89
34	Washington	28	9.30
3	West Virginia	24	36.86
2	Wisconsin	144	37.57
*	Wyoming	3	40.43
	U.S. Total	7,756	20.44

* In order to ensure rankings contain stable rates, states with 10 or fewer black homicide victims were not included in the state rankings for 2016. These victims are included in the U.S. total and rate.



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The Commercial Appeal- Wounded City June 2017

A special investigation of The Commercial Appeal exploring Memphis' Gun Violence Problem.

<http://projects.commercialappeal.com/woundedcity/special-ca-investigation-exploring-memphis-gun-violence-problem.php>

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WOUNDED CITY

74 SPECIAL INVESTIGATION OF
THE COMMERCIAL APPEAL EXPLORING
MEMPHIS' GUN VIOLENCE PROBLEM.

Intro

EDITORIAL: Looking at Memphis' broadening epidemic of gun assaults

It's not the annual Forbes list to make. Yet, year after year, there sits Memphis near the top of those damning lists of America's most dangerous cities.

It's our Scarlet Letter. Our moment to deflect and drag out that tattered refrain about bad science: some cities don't even report their numbers, we say. Or they underreport.

The rankings are, in fact, dubious: there is so little consistency in how crime data is gathered and reported by cities across the U.S. the rankings are nothing but estimates.

But it's largely irrelevant whether Memphis is the nation's most dangerous city, or its 10th most dangerous, because 7,000 people have been murdered on her streets since 1960.

Seven thousand.

The Commercial Appeal launches a special explanatory series today on these pages - "Wounded City" - not to defame the city or unnecessarily spread fear but to aim a hot light on the massive challenge we face as a community. Somehow, perversely, we seem to accept our runaway gun violence as normal.

How many times have you heard these three words to explain the carnage?

"It's Just Memphis."

It shouldn't be. It can't be.

There is nothing normal about innocent children being killed by indiscriminate gunfire. Or three teenagers, best friends, killed within a few months of each other. We can never grow so callous or numb that five murders in a weekend are rationalized with those three words.



This is not to damn the efforts of the Memphis Police Department or prosecutors. Or myriad Memphians - community and faith leaders, families of victims, even ex-gang members - who've invested themselves into efforts to stanch the bloodshed by addressing the root causes of violence. The list of nonprofits supporting programs aimed at reducing poverty, improving education, mentoring kids would overwhelm the efforts in many cities.

But as a community we're not united to acknowledge and confront the problem. It's not enough to support city funding for more police officers or demand tough new legislation aimed at gun violence. To stop there, as a community, is to treat only the symptoms of the epidemic.

It's not enough that only those directly affected by the violence are invested to stop it. We need not live-in dangerous neighborhoods or have been one of thousands shot to be affected by the scourge.

The violence prevents Memphis from fully realizing its potential. And, of course, the violence radiates from the victims to family members, friends and neighbors. It also saps the region's economic vitality -- and hampers efforts to recruit employees and companies to the area.

To be sure, the effort to stem the violence has to start with an acknowledgement that too many people feel locked out of the American dream, trapped in impoverished areas with dim prospects to get a job with livable wages. Seeing few prospects to better their lives, some of them tum to violence.

But we can -- and must -- do better.

In 2006, this newspaper published a series of equally unflattering stories and photographs about Memphis' shameless rate of infant mortality, the highest in the nation's 60 largest cities. Photographs of those tiny coffins lined up for burial were powerful and painful, but you didn't look away. Thanks to a broadly based, sustained community effort, the 2016 rate reached a record low.

"Wounded City" explores Memphis' problem with gun violence through the lives of those most affected. Victims. People trapped by economic circumstance in dangerous neighborhoods. Those who would flee the madness if they could.

It's a story of despair and heartbreak for neighborhoods and families. And, honestly, for our city. Please don't look away.



Homicides

MURDER MYSTERY: 'When does it stop?' By Marc Perrusquia



Friends thought gung-ho Army sergeant Calvin Wilhite might die in distant Iraq, where he bravely served for a year, or maybe in Afghanistan, where he was heading on his next mission.

Instead, he fell in a barrage of gunfire in Memphis, his hometown, outside FedExForum, a block off Beale where more than four million tourists visit a year.

"We still don't know who did it. That's an extra hurt," says his mother, Valerie Henderson, who can't understand why her son's killer can't be found despite a \$20,000 reward and all those surveillance cameras, all those police officers keeping watch on the Downtown tourist zone.

Wilhite's murder fits neatly into a morbid algorithm that's governed violence in Memphis from its earliest days as a debauched river town to the first half of the 20th century when the city held the unwanted label of America's "Murder Capital," through last year's surge of violence that undermined two encouraging decades of decline in the homicide rate.

He was young, 26, and killed with a firearm after an argument -- one of more than 7,000 people murdered in Memphis since 1960.

But his 2015 death also fits a largely unexplored pattern revealed in an analysis by The Commercial Appeal of more than 1,500 homicides, nearly one every other day, over the past decade. Memphis has accumulated scores of mystery murders as an especially deleterious brand of violence has taken root.

Nearly 28 percent of last year's murders are unsolved.

"People can know something is happening. And the police can go in there and ask them and they'll say, 'No, I don't know nothing about it.' Or 'I don't want to talk about it,'" said Eddie Brooks, who's endured a wave of shootings in his North Memphis neighborhood, including an unsolved murder a block from his house in July.

While violent crime rates that brand Memphis as one of the nation's bloodiest cities are dubious because of myriad imprecisions -- everything from differences in how the data is collected to some cities not reporting all crimes -- there is far less debate about murder rates. Deaths are tracked and consistently reported across the U.S.

According to 2015 FBI statistics, Memphis' rate ranked 12th among 112 cities with at least a 200,000 population, well behind St. Louis, Baltimore, Detroit and New Orleans, but at 21 deaths per 100,000 residents far exceeding national and state averages. Even with its record, 228 homicides last year (the murder rate, still not officially calculated, is expected to exceed 29, the highest in 23 years), the city still won't top the list, but the granular details lay bare any relief Memphis can feel for having shed its once perennial label as the nation's deadliest city:

Eight often homicide victims over the past decade were killed with a firearm.

More than 800 shooting victims have died at the Regional Medical Center since 2006.

Victims arrive at the hospital's Elvis Presley Memorial Trauma Center with far more wounds than a decade ago, reflecting the availability of semiautomatic weapons.

The shooters are getting younger: on average 23 now versus 26 just eight years ago.

While Downtown, the epicenter of Memphis' \$3 billion-a-year tourism business, is routinely deemed safe because of the blanket of police protection and cameras, that description is relative amid such violence: there were 14 homicides recorded in five years.

Within a two-mile radius of Graceland, a magnet for international visitors, an additional 29 died, according to the newspaper's analysis; none on Elvis Presley Boulevard or near the mansion but in the surrounding neighborhoods.

Combining MPD homicide records and census data over a five-year stretch between 2011 and 2015, the newspaper found 48 census tracts where the murder rate topped 30 per 100,000-- six times the national rate -- largely the result of a toxic mix of economic decline and easy access to firearms.

Over those five years, no neighborhood recorded a higher murder rate than Klondike in North Memphis, where a devastating exodus of residents began in the 1970s as nearby industry shuttered.

In 2011, police found James Rucker, 40, and Melodie Weddle, 26, shot to death in a small, brick-veneer home at 830 N. Claybrook in the heart of Klondike. Four years later, at the same address, 32-year-old Thearchie Brown was gunned down. The homicides were three of 11 between 2011 and 2015 in a census tract measuring one-half of a square mile where the murder rate is equivalent to 140 deaths per 100,000 residents -- a pace that dwarfs the U.S. rate of 4.9 per

100,000, Memphis' 2015 citywide rate of 21, even a chilling rate of 90 in Central America's murderous Honduras.

Mapping Memphis using crime and census data creates a foreboding checkerboard of safe zones and neighborhoods under siege:

The southern portion of Orange Mound, its population estimated at 2,632 in 2014, saw 11 murders between 2011 and 2015, with a murder rate over those five years of 79.

The more heavily populated Riverview-Mallory Heights area of South Memphis, population 3,582, also had 11 murders, with a rate of 59.

Census Tract 217.32, a densely populated 1.2-square-mile area that includes the Hickory Ridge Mall and the neighborhoods immediately south and east, recorded 11 murders and a 33 rate.

Conversely, about 10 percent of Memphians -- as many as 69,000 people -- live in census tracts where no murders were recorded in those five years.

Sitting at her desk inside the tiny offices of a Frayser car lot, LaRhonda Clark leafs through a spiral notebook that serves as a scrapbook for loved ones she's lost, her narration giving life to the faceless statistics.

Another page, another tragedy.

Stephen Faulkner, a friend, murdered delivering pizza.

Great uncle, J.V. Price, shot to death in a robbery.

A 24-year-old cousin, Marcel Pascoe, murdered. No arrest.

Ten homicides in all.

The Regional Medical Center, she says, is a second home.

"When does it stop? It's hit my family hard. When does it stop?"



Memphis has borne a blood-soaked reputation for more than a century, reaching back to at least 1915 when an insurance company statistician first labeled it the nation's murder capital with a homicide rate double the next worst city, Charleston, South Carolina.

For much of the intervening 100 years, murder was a wholly uncomplicated crime, with MPD's solve rate a source of pride, a bragging right.

No longer.

The solve rate slid dramatically over the past decade amid a burst of gang and drug shootings, stranger crime, distrust of police and a culture of uncooperative witnesses. They are factors complicating Memphis' historical murder matrix: Death at the hands of a neighbor, an associate, a relative or a boyfriend, crimes spontaneously committed.

"Forever, that has been the way homicide got solved: There almost always was some connection, however tenuous, between the victim and the perpetrator," said former MPD Director Buddy Chapman, 77, now executive director of CrimeStoppers of Memphis & Shelby County, which has seen a recent increase in tipsters seeking cash for murders police can't solve.

"If it is a case where there is no connection, and you don't have any physical evidence present at the scene then the police department has no place to start. And you've got to have a place to start in order to develop a case."

The rise in unsolved murders is seen in MPD's declining clearance rate, which fell nearly 36 percent between 2004 and 2015, according to statistics maintained by the Tennessee Bureau of Investigation.

Records in MPD's Homicide Bureau indicate investigators failed to identify suspects in only 12 percent of murder cases in 2008, but that percentage has since grown steadily, more than doubling in 2015.

According to Homicide Bureau data, police did not identify a suspect in as many as 40 of 135 homicides ruled as unjustifiable, non-negligent killings in 2015-- nearly 28 percent-- a trend that continued at a slightly reduced pace last year amid the record-setting surge.

Among 209 unjustifiable homicides, 58 remain unsolved-- 28 percent, according to figures released by MPD spokesman Louis Brownlee on April 19.

That's more unsolved killings than there were murders in Memphis in all of 1962.

Deputy Chief Don Crowe cautioned MPD's homicide data from past years might not be updated when old cases are belatedly solved, though he conceded that "very few" are solved months or years after the fact. Through Oct. 11, he said, seven cases from past years had been solved in 2016. He said he didn't know how many murders were unsolved over the past 10 years and didn't have the manpower to check.

Generally, homicide is becoming a much more difficult crime to solve, in large part because of uncooperative witnesses.

"Certainly, some people are very hesitant to talk now," he said. "Part of (that involves) the culture of no snitching. But then we have people who are legitimately concerned about retaliation."

MPD's deteriorating solve rate is illustrated in high-profile cases, such as the 2010 murder of basketball star Lorenzen Wright, shot as many as 11 times in a remote Southeast Memphis field, his killers never found.

It's seen, too, in an array of lesser-known mystery murders like that of Timothy Dockery, 49, found shot to death in a parked car in 2015 in South Memphis, the headlights on and the engine running; Bernard Jackson, 28, shot dead in 2014 as he slept in the back seat of sedan rumbling down Interstate 240 near the airport; and Rickey Moore, 25, found on the street around midnight on a chilly night in February 2015 in Nutbush, the victim of a robbery.

Overall, the newspaper identified as many as 249 murders committed between 2007 and 2015 (2006 data was unavailable) in which detectives listed no suspect in lists the city released. That's about one in five, a pattern that mirrors declining solve rates across the country.

"Many of these big cities are in dire straits," said retired New York City homicide detective Vernon Geberth, who wrote a widely respected book on homicide investigation. He believes tougher legal standards along with the proliferation of guns and lawlessness glamorized in rap culture are making the ultimate crime much harder to solve, particularly in cities like New Orleans and Detroit, where as few as a third of murders were reportedly cleared in 2015.

"I'm worried about my grandchildren. I'm worried about society," he said. "We can't continue like this."



Within hours on a chilly winter night in 2008 the bodies of two men -- both in their 20s -- were found miles apart in Memphis, killed in unrelated shootings.

When police made the grisly scene at the Highlands Meadows Apartments in Whitehaven they found 20-year-old Marcus Warren slumped inside an automobile. Less than seven hours later in Frayser, the body of Jeremy Richardson, a petty criminal with a history of drug charges, was discovered in the back of a rooming house, shot multiple times.

Both murders remain unsolved.

"There's been two or three killed over drugs over here," said Richardson's neighbor, Marvin Peel, 78. "But they won't tell who done it."

At the time of the January 2008 shootings, murder by an unknown suspect or a stranger appeared relatively rare in Memphis.

Homicide data shows detectives logged just 31 such cases that year -- about 22 percent of the city's intentional murders.

By 2015, as many as half the murder suspects were listed as either a stranger or unknown.

"I noticed it probably three years ago, maybe four. It was creeping up," Chapman said. "And over the past two years it's been readily evident."

It's evident in the case of Susan McDonald, shot in the face and left for dead in a Cordova driveway in 2015, a mystery that stymied police for two weeks until a \$26,000 CrimeStoppers reward led to the arrests of two men charged with killing the 55-year-old video production firm employee in a robbery attempt.

In 1981, when Chapman left MPD to start CrimeStoppers, it was rare that a cash-seeking tipster helped solve a murder. Even as recently as seven or eight years ago, Chapman said, such a tip seldom came in a month's time.

"We've gone up from solving less than a case a month to now when we have at least one case that we solve (a month) and normally two or three," he said.

There are suggestions the rise of violent street gangs in Memphis could be the catalyst but neither police, nor criminologists, can support that theory with data.

"How do I prove this is gang related?" asks Maj. Darren Goods, a 32-year MPD veteran who oversees the Multi-Agency Gang Unit, a collection of federal, state, and local agencies tasked with curbing gang crime.

When it comes to violent crime, Goods is the quintessential "walking encyclopedia," having worked as a detective on MPD's robbery, homicide and organized-crime units as well the Safe Streets Task Force and Project Safe Neighborhoods. He says there are more than 9,000 documented gang members in Shelby County, many who've abandoned traditional big-name gangs like the Crips and Vice Lords for smaller "hybrids" with names like "Stack Squad," "Fam Mob" and "Concrete Cartel."

Yet, according to Homicide Bureau records, surging gang membership has very little impact on Memphis' deteriorating solve rate. Detectives listed gangs as a motive in just three murders in 2015, and only eight between 2011 and 2015.

Criminologist Richard Janikowski, who has worked with MPD for decades, believes the department's methodology traditionally under-measured the impact of gangs.

In recent years it's been counting only gang-motivated murders, such as when a gang leader orders the slaying of a rival. A more realistic measure, Janikowski said, involves counting all gang-related murders, such as simple gang affiliation of a suspect.

Indeed, the numbers zipped up last year as MPD counted both gang-motivated and gang-related murders.

As of Oct. 11, gang-motivated killings accounted for 21 of Memphis' then --174 homicides. In the category of gang-related killings, MPD counted 65 homicides in which the victim was a gang member. It counted 31 in which the suspect was a gang member. Some of these cases overlap, Crowe said, but he said it was "nearly impossible" to sort out which ones.

Though murder is on the rise in Memphis -- along with difficulties in solving it -- a little perspective is in order: Last year's record follows decades of decline in the murder rate.

The South long has been considered the country's most violent region, and for years Memphis dominated the national discussion about homicide.



In 1915, Prudential Insurance Company statistician Frederick Ludwig Hoffman published a list ranking homicide in 30 American cities. Leading the roster were seven Southern cities -- with Memphis at the top.

The city's staggering homicide **rate**- 72 deaths for every 100,000 residents -- **was** more than double the rate in the No. 2 city, Charleston, South Carolina, and more than eight times greater than the 30-city average of 8.6, the statistician found.

Following an intense push to reduce violence that included efforts to restrict access to firearms and liquor, Memphis was consistently reporting low rates ranging between 6 and 8 in the early- to mid-1960s. By the late 60s, however, the rate began spiraling upward again.

Amid a nationwide surge in violent crime, the murder rate reached 31 deaths per 100,000 in 1990 and remained as high as 29 in 1995, ranking Memphis 13th worst among cities with a population of 200,000 or more, according to FBI statistics. (The rate in St. Louis reached 54 that year; New Orleans, 74.)

But in the intervening years, violent crime tumbled across the country.

The Memphis murder rate fell as low as 16 in 2004 and has vacillated since, jumping up to 20.2 in 2012 and 20.5 in 2015.

Though murder is viewed as one crime police simply can't predict, New York's Geberth said detectives boosted the clearance rate in the Bronx 20 years ago by improving intelligence gathering. The narcotics trade fueled numbers of retaliatory shootings and police found they could solve more murders -- even prevent some -- by paying attention to gunshot victims and suspects.

"The person who did the shooting would probably be killed next month."



Aggravated Assault

TERROR IN THE AIR: "It's bad out here, y'all" By Marc Perrusquia



I went to church and the pastor was talking about forgiveness....

But he said at home he has nin guns and two shotguns.

The shots pop off urgently, one after another. Of the 15 or more bullets that rocket over the heads of children playing on a patch of grass and neighbors chatting on their stoops, one shatters Jessica Jones' living room window.

It pierces her television set, bounces off an interior wall and comes to rest on the floor.

"We hid in the bathroom," Jones' terrified 6-year-old daughter, Tatiana, tells police who race to Ridgecrest Apartments, in Frayser, from all comers of the massive Old Allen precinct.

Bathed in blue lights, another child, a frightened, wide-eyed 10-year-old, says she was playing with friends when gunshots, maybe 20 of them, interrupted.

Aggravated Assaults

Memphis' violent crime problem is driven by a rising number of aggravated assaults - felonious attacks or threats by suspects armed with guns, knives and other weapons or assaults involving serious bodily injury.

7,653

1,163 Crimes /

100,000 Residents

2015

4,294

688 Crimes /

100,000 Residents

1995

Source: Federal Bureau of Investigation data.

Note: Memphis incurred artificial increases in its aggravated assault numbers in 2001 when it converted to a new crime reporting system and again in 2012 when Tennessee tweaked its domestic violence laws. However, officials don't believe those factors account for the larger upward trend in aggravated assault.

"Pow! Pow! Pow! Pow! Pow! Pow! Pow!" Ukhwini Givand recounts breathlessly. "We ran in the house."

On that cool spring night last year, Memphis was in the midst of a killing spree, on its way to a record 228 homicides. But it's incidents like this at Ridgcrest -- non-fatal attacks known as aggravated assaults, not homicides even in a record year -- that fuel an exponentially higher violent crime rate in Memphis than in peer cities; the terrorized youngsters in Frayser among thousands of Memphians shot, shot at, stabbed, beaten or otherwise violently attacked last year.

With the 2016 spike in homicides a notable outlier, Memphis has pushed down murder, rape and robbery rates dramatically in the last two decades. But as those gains were being made, an examination by The Commercial Appeal reveals, the rate of reported aggravated assaults grew 69 percent, accounting for two of every three violent crimes recorded and keeping Memphis on those dubious but reputation-killing lists of the nation's most dangerous cities.

In 1995, at the height of a nationwide crime wave, the Memphis Police Department recorded 4,294 aggravated assaults -- 688 crimes per 100,000 residents, according to FBI data.

By 2015, the latest year available, that number had mushroomed to 7,653, the rate per 100,000 at 1,163, even as aggravated assaults fell, in some instances dramatically, in Atlanta, Louisville and other peer cities.

National comparisons of crime rates are perilous because of inconsistent data collection and Memphis may, in fact, more aggressively record and report its crimes as some criminologists suggest. But using state data the newspaper found the city has no peer when measuring a smaller, more reliable slice of aggravated assault data -- firearm assaults in Tennessee where reporting requirements and laws are identical:

Memphis recorded 566 firearm assaults per 100,000 in 2016, more than double Nashville's rate and triple that of Knoxville. Memphis' per capita rate was 59 percent higher than Chattanooga's.

Because Nashville is a metropolitan government serving Davidson County's rural areas, a county-to-county comparison is more appropriate: Shelby County, 426 per 100,000; Davidson, 264.

The number of victims per firearm assault is 14 percent higher in Memphis than Nashville; 17 percent higher than Knoxville.

Soaring Shootings

Police data shows a meteoric rise in the number of assault victims reported to have been shot or shot at.

Source: Memphis Police Department data.

Note: At the newspaper's request, MPD's crime analysis unit independently checked its data for the number of victims shot/shot at over the same period and arrived at substantially the same numbers, with slight, statistically insignificant variances. In any given year the difference at most was 0.5 percent. The differences were attributed to the 'live database' characteristic of the data, which can be adjusted over time as new information is received.

Perhaps no statistic says more about Memphis' gun violence than this one: The number of assault victims listed by MPD as shot or shot at doubled in the 10 years from 2006 to 2015 -- up from 1,816 to 3,739.

"I went to church and the pastor was talking about forgiveness," says Stanley Stanback, 51, who was shot multiple times and left for dead during a robbery last year outside his mother's house in Frayser.

"And then he was talking about how bad it has gotten out here. Just ironic. And he was saying how strong his faith was in God. But he said at home he has nine guns and two shotguns. He said, 'You know, I know God got me.' But you know he said, 'My house stay prayed up. But should they get past that, I got something for them. Because it's bad out here, y'all.' "

In all, more than 25,000 assault victims were listed by MPD as shot or shot at between 2006 and 2015; more than enough to fill every seat at the city's three major Downtown venues - FedExForum, The Orpheum and the Memphis Cook Convention Center's Cannon Center. Another 3,400 robbery victims were shot or shot at -- 28,400 victims in all.

Of them, 6,258 were transported to a medical facility -- on average more than one a day for the 10 years examined.

The victims were most often African-American (93 percent), young (median age 24), and male (88 percent).

"It's driving the violent crime (rate) up," said retired University of Memphis criminologist Richard Janikowski, who consulted with the Memphis Police Department for years. "We can try to explain it away in a couple of different ways, but the reality is Memphis has a lot of aggravated assault.

"People just need to confront that..... If you aren't willing to grapple with that you're never going to be able to design effective intervention, prevention, or policing strategies."

Ridgecrest, built in 1973, is a sprawling development with 256 units spread across 17 acres of rolling hills and green space near James and Range Line. A deceptively bucolic setting masks a 35 percent poverty rate and nearly routine spasms of violence.

There were four homicides at the complex in 2006 and 2007, including an incident in which stray gunfire killed 11-year-old Martez Henderson and wounded a 4-year-old.

Much of the crime has been dispersed by an intense police presence and a 2014 nuisance injunction against FAM Mob, the development's chief street gang. But the stats are overwhelming: more than 35 shootings in and around Ridgecrest since 2006, including an incident in August 2015 when a gunman reportedly fired into a crowd, wounding a young man and woman.

That scene from a year earlier remains fresh on Memphis Police Sgt. Israel Taylor's mind as he patrolled the neighborhoods of Frayser's eastern reaches last year with a reporter alongside.

"Crime fighting is like punching water," says Taylor, painting the image of a plunging fist and the resulting splash that creates disorder. "It's frustrating."

Taylor looks like someone who knows a thing or two about punching- 6 feet-5 and 250 pounds with a crewcut and the general form of a Rock 'Em Sock 'Em Robot. He's a 23-year veteran who speaks fondly about a tenure as an undercover narcotics officer playing the role of a filthy, disheveled crack addict.

On this night he works the Delta shift -- 5 p.m. to 1 a.m. -- supervising a crew patrolling Old Allen, the behemoth precinct covering Frayser and Raleigh from the Mississippi River to the Bartlett city limits -- 50 square miles.

With things so spread out, strategies like community policing seem a pipe dream. And given MPD's struggles with manpower, there's a palpable sense of officers feeling overwhelmed.

"I'm doing double shifts. We're all doing them," says a bleary-eyed Taylor (he's since been reassigned).

The call comes at 8:07 p.m.: another shooting at Ridgecrest.

"Hang on," Taylor advises, flipping on the patrol car's blue lights. "In this precinct we go after it."

For three miles, Taylor races 80 mph and more, over rolling hills and through tight intersections before the white-knuckled ride ends inside the Ridgecrest's wrought-iron perimeter.

Officers immediately locate 15 to 20 shell casings of varying caliber spread across the pavement and a resident, Jessica Jones, propped up against a pick-up truck, clutching her stomach. She's pregnant. At first, it appears she's shot but her wounds are largely superficial: She was sprayed with glass when that bullet crashed through the front window of her apartment.

She recounts a frightening tale, beginning with gunfire, then a man banging on her door.

"Help me! I'm shot! I'm shot!"

Then, more gunfire, including the round that landed on her living room floor.

As paramedics load Jones into an ambulance, her young daughter cries out.

"I don't want to stay here!"

"Mama is OK," assures officer Wesley Thompson, kneeling to calm the tearful child. "She's going to the doctor to make sure she's **OK.**"



Memphis's 20-year escalation in aggravated assault was aided by artificial bumps in 2001 after MPD converted to a new crime reporting system and again in 2012 when Tennessee tweaked its domestic violence laws. However, those situations were corrected by training and aren't believed to be significant contributors to the long-term increase, according to officials familiar with crime reporting here.

On paper, Memphis has more aggravated assaults per capita than any other major American city. In 2015, the latest year for which data was available, it led the nation among cities of at least 200,000 people, followed closely by Detroit, St. Louis, and Birmingham.

Memphis' rate of reported aggravated assault is double that of Oakland, California, triple Pittsburgh, and Los Angeles.

Aggravated assault is one of four measures -- along with rape, robbery and a fourth category encompassing murder and non-negligent manslaughter -- used in those perilous annual calculations of which American cities are most dangerous.

But the newspaper could find no reliable, consistently collected data to make such a determination.

Memphis and other Tennessee cities, for example, collect their data using a standard set by the National Incident-Based Reporting System, or NIBRS, which allows police to collect a far greater range of information on any given crime than do traditional methods. Others use a more

traditional methodology following the FBI's Uniform Crime Reporting (UCR) system that employs a "hierarchy rule" that counts a crime with multiple components (a robbery that results in murder, for example) under only its most-serious category.

Further complicating the calculation is inconsistency in how police departments interpret aggravated assault. The category is so broad and archaic -- it dates to 1929 -- and is applied so subjectively that police procedures vary from city to city.

Newspaper investigations in recent years found police in Milwaukee and Los Angeles, for example, misclassified many aggravated assaults, driving their violent-crime numbers down.

A 2012 investigation by the Milwaukee Journal-Sentinel found police there misclassified so many aggravated assaults as simple, non-felony attacks that the city's reported 2.3 percent decrease in violent crime in fact was a 1.1 percent increase.

The Los Angeles Times found in 2014 police misclassified so many crimes the city's aggravated assault count should have been 14 percent higher.

"(It's) the diciest measure of all of them," said Janet Lauritsen, a professor of criminal justice at the University of Missouri-St. Louis who chairs a National Academy of Sciences panel that aims to modernize the nation's crime statistics.

The panel has recommended revising how aggravated assault are reported, replacing it with specific categories that more precisely characterize the nature of an assault. Currently, the category encompasses attacks by fists resulting in severe injury or with a knife or a gun, or even when a victim is threatened with a gun or other weapon but not actually harmed. And, significantly, every incident carries the same weight in the formula, be it a homicide or a fist fight.

Because aggravated assaults are recorded per victim, crime stats routinely paint a distorted picture. To understand, consider the first few hours of 2015 in Memphis.

Fifty minutes into the new year, Andrea Cooper watched anxiously from her bedroom balcony in Hickory Hill as a reveler below indiscriminately fired a gun into the air. That shot shattered Cooper's window, frightening her and four party guests.

With that, Memphis' aggravated assault total stood at five for the new year.

Later, in Cordova, Meredith Cooper was shaken from her sleep when an errant bullet passed through her window and struck her bed's headboard. Another bullet hit the window of a neighbor's apartment with five people inside.

Add six more counts of aggravated assault.

OP-ED: Carolyn Cleveland is fighting to save Soulsville, one resident at a time

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Around the same time in East Memphis, a man with a grudge pulled his Chevy Tahoe alongside a party bus carrying 25 people and opened fire. Five of the passengers were hit by gunfire and 20 others frightened horribly.

Add 25 more.

In four hours, 36 cases of aggravated assault.

"We get a lot of (cases) where the house is full of people. Shots are fired into the house," said MPD's Lt. Col. Don Crowe. "They're all victims whether they're struck by the gunshot or not."

Often, shots aren't even fired, but the cases pile up on Memphis crime stats.

When an angry man with a handgun came into a yard on Whitney Avenue on May 8, 2015 and threatened "to kill everyone" in a house with 10 people inside, police logged 10 more counts of aggravated assault.

"We've spent hours talking about this," said Bill Gibbons, president of the Memphis-Shelby Crime Commission, who says MPD is undertaking a study to get to the bottom of what's driving this city's spiraling aggravated assault counts. "Literally hours."



Stolen Guns

STOLEN GUNS: "Getting them is the easy part" By Marc Perrusquia



The three teenagers sat in their parked Chevy Impala munching hamburgers, sharing laughs and talking, as adolescent boys will, of girls, the coming prom and the life ahead.

Then gunfire exploded inside the car.

Holding a loaded 9mm handgun in the front seat, Quantrell McGill, a wispy 16-year-old known by friends simply as "Q," somehow, perhaps accidentally, squeezed the trigger.

A bullet struck his friend, 18-year-old Eric Woods, in the abdomen.

" 'Q' shot me!" screamed Woods, clutching a gushing wound.

Thinking he was under attack, Woods returned fire with his own weapon, a .357 handgun, striking his young friend twice in the neck.

McGill died 10 days later at the hospital.

What happened that night in November 2011, nine days before Thanksgiving, is a tragic primer on Memphis' massive problem with stolen guns. The Commercial Appeal, using serial numbers of that weapon and hundreds of others, traced the weapons to an avalanche of violence.

McGill was carrying a weapon stolen four weeks earlier from a Hickory Hill pawn shop.

It was among some 9,100 firearms reported stolen in Memphis between 2011 and June 2016 - mostly handguns, rifles and shotguns along with 125 weapons police designated as "assault rifles" (even a 40mm grenade launcher) -- providing the inventory for an underworld gun expo on the city's streets.

The newspaper linked those weapons to 21 homicides including McGill's, 27 robberies, 62 aggravated assaults, 64 drug cases and as many as 600 other crimes, though inconsistencies in police data made a precise count impossible.

It's a problem aggravated by a 2014 state law that allows most Tennesseans to take loaded guns in cars -- without a permit -- resulting in substantially more thefts.

"If I could repeal one law," said Memphis Police Director Michael Rallings, "that's the one I'd focus on."

As a teen, McGill wasn't legally allowed to possess the Smith & Wesson he carried that night. It came to him through Memphis' underground gun market, winding along a seven-mile path that started a month earlier in a daring break-in at a Cash America pawn shop. A hooded suspect stole a circular saw, 15 laptop computers, six camcorders, a radar detector and as many as 18 handguns, half of them later used to cut a path of destruction across the city.

Police recovered the stolen weapons while investigating a broad assortment of crimes, including the murder of a 33-year-old man by a gang member in Orange Mound; the wounding of two men in Parkway Village; and after apprehending an assault suspect fleeing across the campus of a Hickory Hill elementary school.

In all, the newspaper traced the Cash America weapons to nine crimes and a solitary burglar, Julius Callicutt, a 30-year-old career criminal who resold them on the streets as part of a larger, thriving business.

"The gang members were the most guaranteed buyer," said Callicutt, reflecting on an estimated 300 guns he'd stolen, then fenced or traded.

Speaking by phone from the Morgan County Correctional Complex in Wartburg, Tennessee, where where he served part of an eight-year sentence, Callicutt likened himself to an underground gun wholesaler, selling handguns for \$150 and up to retailers -- typically gang members or street-savvy individuals -- who would resell them, often for double that price, to felons, minors and others who couldn't buy through legitimate sources.

"Getting them is the easy part. Distributing them is the hard part," he said, describing a competitive world requiring marketing to potential customers while avoiding detection by law enforcement. "It required some real skill."



Callicutt deployed some of that skill just after 3 a.m. on Oct. 10, 2011, when he cut the locks on a roll-down metal gate at Cash America, located at 3500 S. Mendenhall, and walked in without an alarm sounding. After making off with the laptops, he returned a half hour later for the guns.

"I was thinking, where are all the cops?" he said. "I guess they figured no one was that bold. How could I tum that down?"

By the time police finally arrived, he'd made off with an estimated \$14,000 in merchandise.

Four weeks after the burglary, police recovered the first of the Cash America guns, the 9mm McGill, the 16-year-old, was carrying at Minor Oaks Apartments the night he was shot. (His friend, Eric Woods, initially was charged with voluntary manslaughter but was later cleared of criminal culpability.)

It isn't clear how McGill came into possession of the gun a witness saw him with -- a Smith & Wesson model SW9GVE with serial number PBZ3674 etched on its underside -- but Callicutt insists he didn't sell it to the teen.

"It actually went through two hands before it got to him," he said. "Ain't no child going to walk up to me and buy anything -- not even a cigarette."

Callicutt said he learned of the shooting from a relative and has been haunted by it.

"It cut me deep. It cut me more deep than I can say."

But it wasn't the only Cash America gun to wind up in the hands of dangerous or prohibited individuals. As weeks passed, guns taken in the pawn shop burglary popped up in eight other crime investigations.

Police recovered a .40-caliber Glock while investigating the March 26, 2012, wounding of two men found lying in the grass near the Ten Mile Creek Apartments in Parkway Village.

That Fourth of July, police responded to a fatal shooting at the Pendleton Place Apartments near Orange Mound where Raymond Howard, 21, a felon and a member of the Hoover Crips gang,

shot Cornelius Stewart, 33, in the right thigh, severing his femoral artery. One of the Cash America guns -- a .45-caliber Ruger P90 etched with serial number 66193192 -- was recovered by police among a stash of weapons linked to the suspect but it isn't believed to be the murder weapon.

Overall, the newspaper traced 21 stolen guns that police later recovered while investigating homicides.

Among them, Ronald Farmer, 23, was shot and killed Aug. 26, 2011, in South Memphis during a robbery by a masked man brandishing a Jimenez Arms 9mm semiautomatic handgun reported missing by a homeowner from its hiding place beneath a mattress 6½ miles away in Whitehaven. Tario Graham, 32, was shot in the head and killed during a domestic dispute Feb. 23, 2012, near Orange Mound with a Smith & Wesson .22-caliber revolver stolen weeks earlier out of pickup truck six miles away in East Memphis. The pistol was taken when someone shattered the passenger window; police recovered the gun hidden in a toilet water tank after the shooting.



Demand for guns is great in Memphis, as Stanley Stanback can tell you. Following the execution-style murder of his son in 2014, Stanback, a felon, turned to the streets for protection, for a handgun.

"It's not hard at all," he said. "Just go into any comer store. 'Man, anyone got a gun for sale?' Any comer store. Between your second or third store, somebody's going to know something."

But in the uncertain world of underground gun selling and buying, trouble often ensues.

Stanback said his first encounter with a street dealer ended badly. As he haggled over the price of a .40-caliber Sig Sauer, Stanback was robbed.

"I said, 'If you don't want to take your \$200, I don't want to see your other guns. I'm gonna leave. Take the \$200. We can deal.' I said, 'Other than that I'm about to leave.' He pepper sprays me up. Takes the money. Snatches me out of my car. We're fighting. He pulls half my hair out."

The next time, Stanback said he ventured deeply into inner-city Memphis.

"I told some of my cousins," he said with a nod. "And they found somebody that got me a gun."

What he found was a Springfield Armory XD-9, a durable, accurate 9mm semiautomatic handgun he bought for \$200, a fraction of its retail price.

"I shot it when I bought it. You never buy a gun and don't shoot it. It might not work. I shot a full clip."

Etched into the underside of Stanback's gun is serial number XD949434, a unique identifier. That number traces to a gun reported burgled -- the single largest source of stolen weapons, the newspaper found.

Among 9,102 guns the newspaper identified in police records as having been reported stolen between Jan. 1, 2011, and June 30 of last year, 4,487 or 49.3 percent were taken in burglaries. The vast majority of those -- 95 percent -- involved residential burglaries.

But, increasingly, motor vehicles are a source. As many as one in four stolen guns are taken from cars.

Kyle Maxey, for example, was arrested in March at the Memphis Area Transit Authority bus station at 444 N. Main, where police said he attempted to conceal a .38-caliber handgun in a bathroom stall. The pistol had been reported stolen days earlier from a parked Honda Accord just blocks away.

"It was the one night I accidentally left my car unlocked," said the gun's owner, Matthew Thibodeaux, a student at the Southern College of Optometry.

It's the sort of crime that happens over and over in Memphis -- and it's become much worse, records show, since the Tennessee General Assembly passed a law in 2014 allowing more people to carry loaded handguns in vehicles.

The newspaper's analysis of MPD data found thefts of firearms from motor vehicles increased 65 percent after the law took effect July 1, 2014, allowing most citizens-not just handgun-carry permit holders -- to carry guns in their vehicles.

Firearms reported stolen from cars in Memphis in 2013, the last full year before the law took effect, totaled 355. In 2015, the figure reached 584, the newspaper found. The pace quickened even more last year. MPD reported 815 guns stolen from motor vehicles in 2016.

Callicutt was linked to the Cash America burglary when he was caught with one of the stolen guns in December 2011. In addition to his state charges, he was sentenced to 12 years and six months in federal prison for selling stolen guns.

"I regret taking the path that I chose. Considering that there are hundreds of violent crimes being committed in society with hundreds of firearms of which I provided people with," Callicutt said in a letter to the newspaper infused with a mixture of regret and pragmatism about the demand for guns.

"... Memphis is an overly gang-infested city, so to people like me, protection is a must because you never know who's on whose side or who's gonna victimize you again."

Trauma Care

TRAUMA CARE: "You have to believe deep down inside that you can save them" By Marc Perrusquia



As LaRhon Threalkill pulled himself by his elbows along the dining room floor, his legs dragging uselessly behind in a trail of blood, he sensed time was running out.

"I thought I was going to die. I couldn't move. I felt like this was it," says Threalkill, shot seven times and left for dead during a 2015 robbery. "But something told me, 'No, LaRhon. There's more fight in you. You can't just allow yourself to die and end your life like this.'"

Extraordinary will and good fortune helped save Threalkill's life that night after he invited an acquaintance into his Southeast Memphis home.

But an investigation of medical records by The Commercial Appeal reveals he and a legion of other shooting victims are evidence of a wild card in Memphis' battle to reduce a murder rate that far exceeds state and national averages: improvements in trauma care.

Simply put, improving surgical skills and techniques at The Regional Medical Center's Elvis Presley Memorial Trauma Center are impacting the city's homicide rate.

Injury-related shootings grew as much as one-third in Memphis between 2006 and 2015, yet the murder rate fell nearly five percent, according to the newspaper's analysis of crime statistics and more than 5,500 cases from the hospital's trauma registry.

Over the same period, the mortality rate of gunshot victims admitted to the hospital -- known as The Med until a recent rebranding -- dropped from nearly 17 percent to nine percent.

Those trends emerge from an examination of outcomes for gunshot victims treated over a decade -- a roster of tragedy and hope: 786 deaths, 4,767 survivors.

"I would love to think it's because we're taking better care of the patients. I'd love to think that. I don't know that I can prove that," said Dr. Martin Croce, head of the Presley Trauma Center, who cautioned that the difference between life and death in a shooting depends on many variables -- including the speed of getting victims care.

But the Presley Trauma Center's success is being tested by a new wave of violence that drove last year's record homicide toll. Records through the first six months of last year, the most recent available, show a 12 percent increase in shooting victims with a slight uptick in mortality compared to the same period in 2015. Less than 10 percent died in the first six months of 2015; 12.3 percent in 2016.

Croce has noticed another trend: Like Threalkill, many victims are shot multiple times, typically with larger, more powerful handguns, creating wounds more devastating than he and his team of surgeons saw 10 years ago.

"We are definitely in more of a culture of violence. It's glamorized in media, in movies, in TV shows," says Croce, who keeps a miniature replica on his desk of "Non-Violence," the bronze sculpture at the United Nations depicting a handgun with its barrel tied in a knot.

"We've lost the ability to reason with people as opposed to just getting a gun and shooting them."

Stanley Stanback, who was rushed to the trauma center last May with multiple gunshot wounds received in a robbery attempt outside his mother's home in Frayser, understands.

"You almost need a gun to go to the mailbox," Stanback, 51, said from his hospital bed. "Where my mom lives probably it's been, probably four or five months ago, 2-3 people killed on the next street over."

Hoping to discern how and when this strain of devastation took root, Croce is undertaking an in-house study that seeks to match the hospital's records with those of the Memphis Police Department. He intends to sample cases going back 10 years, searching for answers on when the bigger weapons -- .38-caliber revolvers, 9mm and .40-caliber semiautomatics and assault rifles -- began supplanting smaller firearms like .22- and .25-caliber handguns.

"I can't remember somebody coming in shot with a .22 or .25 lately," he said.

MPD's Deputy Chief Don Crowe says he first noticed this virulent trend "in the last five years or so," but is uncertain of the underlying reasons.

"We're seeing more shots fired. And more hits on the victims," he said. "I don't know that there is an answer. But certainly, they're shooting now until their gun is empty."

For those like Threalkill who survive, life often poses extreme challenges -- a long and painful rehabilitation and enormous financial cost.

Paralyzed from the waist down with two bullets still embedded in his spine, Threaskill faced medical bills totaling nearly a half-million dollars at the medical center, alone. Because he initially had no health insurance, much of that cost was absorbed by the publicly subsidized hospital, where shootings account for \$25 million a year in uncompensated care -- costs that are passed on in the form of higher taxes and healthcare costs.



OP-ED: Memphians deserve to live in safe neighborhoods, and we have the plan and leadership to reverse crime trends.

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The day Threaskill was shot started no differently than so many others. An energetic man who ran a hair salon in Parkway Village and enjoyed dancing and friends, he led a fast-paced life. So, when an acquaintance from his high school days dropped by his new home on Elliston Street, he welcomed him in.

What happened that evening in July 2015 sometime after midnight now is a matter before Shelby County Criminal Court where his guest, Devyn Knowles, 28, faces charges of attempted murder and especially aggravated robbery.

As Threaskill tells it, he excused himself to the bathroom and returned to find the lights turned off.

"It didn't feel right," he said, recalling the moments before a series of gunshots left him crumpled on the floor.

He tried to get up. But he couldn't move his legs.

"So I began to crawl. Something told me, 'Just move!' I looked up at the panel of the wall. And if I could get to the door (I knew) I would be able to be helped. And that was my goal. And that's what I did."

Dragging himself to his front door, he was able to push it open. As he lay across the threshold, his torso hanging out, he called for help. A neighbor heard him and called an ambulance.

He was rushed to the medical center, where a surgical team led by Dr. Louis Magnotti was waiting.

Magnotti found three bullets in his patient's torso: One embedded in the abdominal wall, two buried so thoroughly in his spine they couldn't be removed.

Threackill was shot more times in his pelvis and his legs.

A micro-inch to the left, or to the right, and any one of these bullets might have killed him.

"You have to believe deep down inside that you can save them," Magnotti said, describing his drive to save victims often mangled by gunshots.

Data shows Threackill's survival is part of a growing, decade-long trend.

Declining Deaths

The death rate of gunshot victims admitted to the Regional Medical Center has declined sharply over the past decade.

Source: Regional Medical Center data

As recently as 2006, far fewer gunshot victims admitted to the medical center survived. Among 503 gunshot victims admitted that year, 419 -- 83.3 percent -- lived. That translates to a 16.7 percent mortality rate. The death rate inched up to 17.6 percent in 2009 then began to gradually decline: to 16.1 percent in 2010, 13.7 percent in 2012, 11.3 percent in 2014.

In 2015, despite admitting nearly 46 percent more patients than in 2006 -- the mortality rate dipped to nine percent, according to records released to the newspaper.

The numbers are in line with national figures maintained by the American College of Surgeons that show a 9.79 percent mortality rate among some 35,000 gunshot wound victims treated at trauma centers across the country in 2015.

Dr. Ronald Stewart, chair of ACS's trauma committee, said he knows of no definitive study but believes a combination of improved trauma care and fewer shootings nationally has contributed to the nation's declining murder rate over the past 20 years. Just how effective trauma teams have become in combating gun assault is better understood when much more fatal self-inflicted shootings are factored out. National Trauma Data Bank figures show the mortality rate among attempted suicides reached 38.5 percent in 2015. The rate among assault-related shootings was just 6.6 percent.

Among 312 self-inflicted gunshot patients at the medical center over the period examined, 104, or 33.3 percent, died.

The sheer number of shooting victims speaks not only to the level of the city's gun violence but to demand for services at the Presley Center, the only Level One trauma center within 150 miles that treats an estimated 90 percent of Memphis' gunshot victims and receives patients from around the Mid-South, as well.

Level One means the center employs a multidisciplinary team of specialists who are on site 24 hours a day.

Its success, Croce said, lives and dies with a trauma system that starts with a front-line of first-responders responsible for rapid transport and extends into the hospital. There, resuscitation teams work instantly to stabilize a patient and, if needed, wheel them 50 feet into an operating room. Croce said so many processes have been tweaked through the years from nursing to respiratory care and surgery -- improvements made possible by the experience of three decades of treating gun violence in Memphis and from lessons gleaned from the military's treatment of wounded soldiers in Iraq and Afghanistan.

"Those are all things that impact the decrease in mortality over time," Croce said. "When you look at that (mortality) graph it's a steady decrease. So that would suggest that there's a steady improvement."



But all those miracles, all those successes treating "penetrating trauma," come at a cost.

Paper copies of Threalkill's medical records weigh 69 pounds.

His initial three-week hospital stay cost \$163,000. Repeat inpatient stays for follow-up surgery and care over the next two months added another \$169,000. A five-week inpatient rehab tacked on \$159,000. In all, more than \$491,000.

And he's just one patient. Gunshot victims arrive like clockwork at the medical center, a non-profit facility that receives \$28.4 million a year from Shelby County government. Its records show two other gunshot victims were admitted that same day, July 15, 2015. One was sent home a day later, the other to jail. Two more were admitted the following day: One died, one survived.

During Threackill's initial three-week stay, 39 other gunshot-wound patients were admitted.

Over the course of the year, the hospital registered 732 gunshot patients -- more than two a day. These numbers don't include many others treated and released for minor injuries such as flesh wounds.

During the decade examined by the newspaper, spanning 5,553 patients, 270 spent at least a month at the medical center. The typical daily cost: \$666. A day in ICU, where many start, costs much more: \$7,512.

More than 312 spent a week or more on a ventilator at a cost of about \$7,500 a week.

Eighteen were transferred to skilled-nursing facilities: As much as \$500 a day.

An additional 245 went to rehabilitation: \$2,253 a day.

Many of those bills were never paid.

Shootings cost the medical center \$70 million to \$75 million a year in uncompensated charges. Because charges essentially are marked up threefold to cover uncompensated care, that loss amounts to \$20 million to \$25 million in actual costs -- costs passed on to others, Croce said.

"That's just for the gunshots. That's not for the stabs. That's not for the car crashes," he said.

Gunshot Victims

As many as 4,879 assault victims "shot or shot at" in Memphis were transported to a medical facility between 2006 and 2015.

93%

Race: African-American

88%

Gender: Male

24

Median Age

Source: Memphis Police Department data

And yet, even with all those subsidies, many gunshot victims simply lack the resources needed to get the adequate follow-up care needed to return to a normal life.

"You would think the operation would be such a big deal. But it's really getting them to rehab and the stuff they need afterward, rather than the hospital care," said Dr. Magnotti, Threalkill's surgeon. "The biggest setback for these young kids is that they don't have the resources to get the rehabilitation and stuff that they need that would help them get better faster."

According to FBI figures, Memphis' murder rate dipped from 21.6 killings per 100,000 residents in 2006 to 20.5 in 2015 and even fell as low as 13.2 in 2010, causing elected officials, including Dist. Atty. Gen. Amy Weirich, to ponder a possible correlation to the hospital's quality of care.

"One of the theories that we float around here from time to time is that The Med is very good at saving lives," Weirich said.

Over that same period, the number of victims assaulted with a firearm and subsequently transported to a medical facility increased by more than 35 percent, according to MPD data.

Croce said it would be difficult to scientifically establish a correlation between trauma care and the city's murder rate, which seems to have jumped past 29 last year, a level not seen here in 20 years.

The medical center's data doesn't reveal some components of the city's enduring battle with gun violence: how many victims die at the scene or, as occasionally happens, those who refuse medical treatment or land at other hospitals.

Death is a stat Threalkill happily evaded. Last summer, he reopened a salon in Orange Mound with a dual celebration -- one celebrating the new business, the other his 27th birthday.



Living With Crime

LIVING WITH CRIME: Determined pastor armed with more than faith By Marc Perrusquia



It's Sunday morning and Eddie Brooks is on fire.

The graying preacher juggles many duties during the week: Night watchman. Shade-tree mechanic. Grandfather. Trusted neighborhood confidante.

But on Sundays, Brooks, a former sharecropper and gospel singer who once cut a record at Stax with Isaac Hayes, is in his element as pastor at Pillar of Jerusalem Bible Church.

"I keep thinking how we've turned away from God," he says as he stands, all 6' 7" of him, fretting chords on his weathered Ibanez guitar. Brooks, 73, wears many hats here, too: Music director. Preacher. Adviser.

This is a small church run from the stripped hull of an abandoned house. A window air conditioner hums as Brooks' tight, three-piece band leads 10 worshippers in a series of spirituals, This Little Light of Mine, Jesus on the Main Line and Pray For Me.

When time comes to share testimonies, petite Vera Milton rises without hesitation.

"Folks were shooting out by me again last night," she announces. "He let it pass me by. I thank Him for letting me see another day."

Prayers like this are heard often in Smokey City, a gritty neighborhood of frame homes and tree-lined streets abutting old Humes High School, where Elvis Presley attended, and just blocks from Manassas High, where Hayes got his start in a talent show more than 50 years ago.

There have been 31 homicides since 2011 within a mile of Brooks' three-bedroom home at the corner of Dunlap and Looney. And over the last decade, police have received reports of as many

as 274 shootings within that same mile of the house where Brooks and his wife, Ruthie, raised five children, where the oldest succumbed two years ago in a long battle with Lupus, where the grandkids visit often.

There have been five shootings on the street comer outside Brooks' door since 2013, alone, accounting for the 17 bullet holes in his interior walls.

Dec. 20, 2014, 7:27 p.m.

Location: Looney and Dunlap.

Man walking down street tells police he's approached by two men in a car wanting to buy marijuana. "Victim stated the suspects then pulled out two han guns and hot at him multiple times. Victim was struck in the upper leg. Victim advised he ran thru an alley and then crawled behind a house."

Smokey City is among a long list of Memphis neighborhoods devastated by an unrelenting epidemic of violent crime, that plotted on a map creates a foreboding, arcing C-pattem, a Nike swoosh, around Memphis, from Raleigh to Frayser to North Memphis, South Memphis, Whitehaven and Hickory Hill -- where the Brooks family, and thousands of others, live with the daily consequences of Memphis' enduring problem with gun violence.

The Brookmeade area in Frayser logged 364 victims shot or shot at during the 10-year period examined by The Commercial Appeal; the Riverview-Mallory Heights area of South Memphis, 417; the Fairview area in Whitehaven, 351; Parkway Village, 345.

In all, an investigation by The Commercial Appeal found 48 Memphis neighborhoods have homicide rates at least six times higher than the national average, rivaling those in some of the world's most dangerous places.

Brooks lives in the middle on one of them.

"Where you gonna go?" asks Brooks as he explains the many obstacles he faced- low-paying jobs, discrimination, family illness -- to buy the 1,000-square foot, five-room home he calls his own. "Now why would I run off and leave it?"

The frequent shootings are a reminder of how random life can be here; the violence doesn't define Smokey City, nor Brooks, but it's never far from his mind.

"Someone shot through my granddaughter's house," Brooks announces from the pulpit, sharing a horrifying account: His granddaughter Brianna was on her porch a day earlier when men in an adjacent apartment complex started shooting. She jumped behind a column as a bullet went through her window. Racing inside, she found her two young children safe in a back bedroom, then discovered just how narrowly her family escaped: the bullet pierced her wall and entered an adjoining apartment.

"Y'all think that's not a blessing?" Brooks asks. "It didn't hit nobody."

Nearly 43 percent of families live below the poverty line in Brooks' neighborhood, a roughly 250-acre patch of North Memphis that developed in the early 1900s and is said to have earned its name from factory smoke that once clung in the air.

The factories are long gone. But even in the heyday of Memphis manufacturing, Smokey City could be an unforgiving place. Certain corners were known from the 1930s through the '50s for vice and a rowdy night life. But, as with much of North Memphis, the economy turned dramatically with the shuttering of Firestone Tire & Rubber, International Harvester and other plants. Families that could afford to move, did -- to southeast Memphis, to the eastern suburbs, to Mississippi.

They left behind poor, mostly African-American residents, creating a pattern of severe racial and economic segregation.

In 1960, the Census tract encompassing the western half of Smokey City, where Brooks lives, was 93 percent white. Now it's nearly 90 percent black.

Median household income is \$23,661 -- roughly half the countywide median.

Rickey Johnson, 45, is a fixture in the neighborhood, operating a business from his front yard, selling everything from rugs to cheeseburgers to cologne -- and routinely feeding needy kids.

"If I can't get it," reads his business card, "you don't need it."

Johnson encourages his neighbors to adopt that same entrepreneurial attitude, to launch their own businesses -- lawn care, mobile car washes, T-shirt sales -- creating a shadow economy to bridge the opportunity gap.

And when he hears public officials cite gangs, drugs and domestic violence for the spike in crime in many of the city's toughest neighborhoods, he knows one major factor is being overlooked: poverty.

"A lot of these drug dealers out here they're not here because they want to be," said Johnson. "They're out here because they want to gain some monetary value."



Brooks was outside tinkering on his van in November 2013 when gunfire interrupted his work. Then his cell phone lit up. His terrified wife was calling from inside the house.

"I'm laying on the floor!" she cried.

Ruthie dove for cover when she heard the thwack, thwack, thwack of metal striking the house. When the police arrived, they dug a slug out of a wall.

Nov. 16, 2013, 3:30 p.m.

Location: Looney and Dunlap

Victim Ruthie Brooks advised she was inside laying down and she heard several shots fired and heard them strike the house...

Suspect: unknown

Weapon: unknown

The 17 bullet holes from multiple incidents around the Brooks home, three or four more in his Ford Econoline parked on the curb, are data points that trace the neighborhood's decline. As he walks through his house, Brooks matter-of-factly narrates.

"It went in right here," he says, pointing to one in a series of holes running through the house:

First, an exterior wall where bullets seem to have spit through like pellets penetrating a paper, carnival target. One bullet took a fateful path as it blew through four walls and out the back of the house. It sailed past a China cabinet filled with sparkling crystal, past a flat-screen TV and a hook where a souvenir shirt commemorating the Negro League Baseball Museum hangs, past family portraits and over the head of Brooks' daughter, Dena, who was laying on the sofa with a terminal case of Lupus.

Then straight through an internal wall, a special wall.

Hanging from it are a couple dozen records Brooks cut over the years while singing with the Christian Harmonizers, a gospel group popular in the 1960s. He recorded one, a spiritual called "Don't Need No Doctor When I Come To Die," at Stax in 1964 with Hayes, his classmate at Manassas, who accompanied on piano. The bullet missed this, too, but sailed straight through the black vinyl of another, a country album he recorded in Nashville called "Sons of a Preacher." It pierced a hole above the first track, "Christ Is So Fine."

Other than that, the album is intact.

"That goes to show me that there's a God," Brooks says with conviction. "All of those bullets? Never hit that window. And they never hit me or my wife or my family. OK? So, I thank God for that."

April 24, 2015, 1:10 a.m.

Location: Looney and Dunlap

A man walking home from his girlfriend's house is shot. "The victim stated that he heard several shots and advised that he ran. The victim stated that once he made it to unknown destination, he noticed a hole in his right forearm which appeared to be a bullet hole."

The Bible tells Eddie Brooks to love his neighbor. It's a commandment he takes to heart but given all the shootings – police document 19 shootings down a three-block stretch of his street in recent years – he's not taking any chances.

The pastor keeps a small arsenal of firearms, including a .40-caliber Smith & Wesson semiautomatic and powerful .357 Dan Wesson revolver he pulls from a black leather holster stashed in a drawer.

"I keep guns in every room. You might run me out of here but if I get back there," he says, motioning to the back of the house, "I'm firing back."

With five children to raise, Eddie and Ruthie Brooks bought their home in 1986 for \$24,000. (The Shelby County Assessor values it at \$16,400 today.) Though he's moved around a bit as he chased jobs, living for a time in Wisconsin, this is home.

At 73, Brooks would love to retire but recently took a night job as a security guard to pay his bills, including Ruthie's costly prescriptions.



Sept. 22, 2012, 5:01 p.m.

Location: Looney and Dunlap

A 19-year-old neighbor is shot and killed, feet from Brooks' door. "I had just got to fighting on Dunlap and I shot somebody," Jermaine Clark, also 19, tells a 911 dispatcher.

Brooks was just getting home that night when he saw the neighborhood bathed in blue: Police cars everywhere. People standing around watching, some crying.

"Look how many families got to suffer," he says in the church office, reflecting on all the violence. "So many people losing over some stupid stuff. Most of them don't realize it. They just think, 'I'm going to take him out and that's the end of it.' But you've got families (that) have to suffer over it.'"

On this day, Brooks has a young visitor, Lavanta Parker, 23, whose family he's known since his days in Mississippi. They're so close Parker affectionately calls Brooks "Granddad."

"We got to look to the future. See that young man there?" Brooks says, pointing to Parker. "I promise you, brother, if there is a young man that can work harder than that young man there, I want to see him." Brooks brags on his young apprentice: He mows the church lawn. Runs errands.

"Most of the time I don't have nothing to give him," Brooks says, explaining a barter arrangement they've worked out. In exchange for Parker's labor, Brooks takes Parker on job-hunting excursions, driving him to temporary employment agencies around the city.

"I want to see him be something that the street's not offering."

But he knows the challenge.

Just a night earlier, Parker's cousin was murdered, one street away, on Leath. The fire-charred hull of a house there tells the backend of a story that involved alleged drug selling, a beating, a shooting and a near-riot.

"Every time I think about it, it kind of makes me angry and sad," Parker says about his cousin, Larry Watkins, who was shot to death at 723 Leath hours earlier -- a murder that remains unsolved. Parker recalls Watkins, 29, as a friendly, gentle man everyone knew as Pooh-Bear. But he had another side, too, a criminal history of selling drugs.

"I got to thinking about it, that he could have been up in the wrong," Parker says, his head bowed. "But at the same time, I feel sad for him. But I know I can't do nothing about it. That's why I say I try to stay out of the way."

Whatever the motive, the slaying rubbed emotions raw. Police were called back hours later as scores of people gathered for a candlelight vigil outside the brick shotgun house where Watkins' body was found. As officers arrived, someone lit the back of the house on fire, triggering a melee.

"Officers discovered that there (were) no individuals inside the house and that the crowd was attempting to get officers inside the house to get them injured or killed," says a police report that notes the presence of gang members in the crowd. "Several people in the crowd were shouting 'Let it bum' as the Fire Department was attempting to extinguish the flames."

Part of the dispersing crowd spilled onto Brooks' lawn; he threatened to drive them off by gunpoint if necessary.

"There's always some danger living in Smokey City. Number one, you don't know when there's going to be a shooting or a drive by. You just don't know what.

"It's like the 23rd Psalm. What'd David say? 'Yea, though I walk through the valley of the shadow of death.' Hey man, we ain't living any death. But we living in the shadow of death. We in the shadow. Because a shooting can break out at **any- any-**time.

"I mean you might go to the store and come out the store not thinking about nothing. And here they come. What'cha gonna do?"

Creating Hope

CREATING HOPE: 'Our mission is to save lives' By Marc Perrusquia



Reginald Johnson shot, a man once.

"I acted out of impulse," he says with a shy grin, explaining how he did the unimaginable, how he unloaded a sawed-off shotgun into the neck of an advancing rival. Somehow, the victim survived. "I didn't know what he'd do. But I wasn't going to let nobody hurt me. The only thing that was in my mind was I'm fixing to kill him."

He's been shot at, too.

"I just heard a 'Boom!' And I'm fixing to tum around and run," Johnson says of the day his friend Diallo 'D' Jackson was killed. "And I heard them say, 'D got hit.' And I ran back to D. And you know it hit him right in the head. He was dead on the scene."

He was 23 when he fired that shotgun, 25 when his friend D died. Now 30, Reginald Dale Johnson Jr. has survived a perilous demographic -- black males ages 16 to 29 -- that constitutes half of Memphis' homicide suspects and a third of its victims. You'd never know that with his thick tortoiseshell glasses, warm smile, a wispy goatee and soft-spoken manner he'd spent half his life in the Vice Lords gang, terrorizing the streets of Frayser. Two things finally drove him out.

In August 2014 rivals peppered his childhood home with gunshots, his parents in **bed-** frozen in **terror-** as 30 or more bullets shattered glass and exploded through walls around them. They struggle still with the trauma. Then, two months later, his younger brother, Sam, 21, a gang member himself, was shot and killed near the spot where Diallo Jackson died two years earlier.

"We haven't had justice for anything that happened," he says of Sam's murder and the drive-by shooting, both officially unsolved. Johnson blames a "no snitch" culture prevalent in many crime-ridden Memphis neighborhoods. It's one of several ills he's now combating through a nonprofit he runs with his father, "Stop the Violence, Let Me Live," that aims to save a new generation of Memphians from the grip of gangs and gun violence.

"We're going to have to create some jobs," says Reginald Johnson Sr., holding his grandson, 18-month-old Samuel Johnson Jr. -- the son Sam never lived to see -- in his lap. "There's nothing to live for here."



The Johnsons represent just one of many campaigns underway to rein in Memphis' runaway violent crime. These efforts are attacking the problem at its many sources -- poverty, underemployment, illiteracy, violence in the home, gang culture and a fear or unwillingness to cooperate with police -- but ultimately the battle can be won only through unified community will and the commitment of resources, experts say.

"We look at it as an epidemic," said Delvin Lane, a former gang leader who runs 901 Bloc Squad, a violence intervention program financed with public and private money that works with young men in the city's criminal underworld to help resolve conflicts before they escalate into violence. "Our mission is to save lives."

Launched in 2012 with funding from Bloomberg Philanthropies as part of then-Mayor AC Wharton's Memphis "Gun Down" initiative, the program employs a team of street-savvy mentors, men like Larry Johnson, a 6'6" ex-football player and bodyguard to rappers Yo Gotti and Lil Wayne.

"I had a good street name back in the day. People used to call me to watch their back," says Johnson, 39, who struggled to escape the streets of North Memphis years ago and now acts like a big brother -- on call 24 hours a day -- to help troubled youth work through crises.

"If you get a relationship, they'll call you," says Johnson, who tries to get his young clients to see the big picture, the long-term consequences of their criminal actions: Unemployment. Prison. An early death. "We're trying to get them to better their lives, step by step."

The program targets young males 13 to 25, the years considered most vulnerable to gun violence.

Patterned after similar programs in Chicago and Los Angeles, 901 Bloc Squad experienced initial successes -- reducing crime as much as 54 percent in its Frayser target area and 23 percent in South Memphis in its first two years, Lane said -- but limited resources have hindered the effort. Lane now has 10 mentors but says he needs at least a hundred to reach all the troubled youth in need of help.

Studies show the approach has promise but evidence is too thin yet to brand these programs a success. Still, Mayor Jim Strickland believes in it. He is infusing \$450,000 of new money into the program to help double its reach.

"It's hard to measure how many lives have been saved," he said. "But I'm convinced that it does work. And it needs to be expanded."

Photographer Brad Vest presents this raw, intimate portrait of gun violence and its aftermath in Memphis.

Lane says the program gets to the heart of Memphis' problem with violent crime.

"If you look at the murders that happened, more than half of them probably (are) going to be people that knew their perpetrator," Lane said. "Most of the time, it comes from lack of resolving a conflict."

Conflict resolution has grown more complicated as an especially virulent strain of violence inflicts many neighborhoods in Memphis.

"These young guys on the streets they claiming to be 'Little Shooter.' Little hitter. How can you claim to be a little shooter if you've never shot anybody? So they have to pull the trigger in order to build what they call on the street a resume," Lane says.

"You can't be tough if you haven't pulled the trigger. And so most of these guys pulling these triggers are doing it to get that resume. And the victims have all kind of faces. They are what they call oppositions, you know, opposite gang guys. There are little old ladies going to the bank teller. They are anybody who crosses their path. They're walking time bombs. And they just try to build their resume."

Breaking that mindset is also the goal of Juvenile Ceasefire, a joint local, state and federal effort to deter youths from gun violence. The program targets juvenile offenders arrested in possession of firearms, allowing them to bypass adjudication if they complete an education program that

includes a written essay and a "come to Jesus" night when police and others share stories of their own struggles with guns and crime as youths.

"You make mistakes. The question is whether or not you learn from them," assistant U.S. Atty. David Biggers told ten young offenders in a session last summer, explaining that he, too, was picked up by police as a youth. When one surly young man interjects that defendants shouldn't snitch, Biggers tells him defendants snitch all the time. "People are lined up at our door with their defense attorneys waiting to talk," he said, stressing that those who don't often go to prison longer.

"You have the privilege of turning your life around," he tells the youth, advising that a crime with a gun can get him 10 years in federal prison as an adult or a much more brutal brand of justice of the street. "The only thing that will be left for you is death or hard time in prison."

Authorities may step up such efforts under a new Operation Safe Community five-year plan unveiled late last year. One initiative under consideration involves a so-called Group Violence Intervention or GVI plan modeled after a program credited with reversing Boston's rising homicide rate in the 1990s: gang members are called in for meetings where they are offered drug counseling, housing, job training and other services and warned that future violence won't be tolerated and that members will be targeted for special prosecution. A Yale University study found that a similar program in New Haven, Conn., reduced group-related shootings nearly 73 percent in 2012.

Such programs operate on the understanding that a small percentage of individuals typically are responsible for a large share of gun violence and that those crimes often are committed by youths acting in groups. In Memphis, as many as 15 percent of aggravated assaults are committed by groups of three or more people, said Memphis-Shelby Crime Commission President Bill Gibbons. He and his colleagues envision a GVI that will help Operation Safe Community meet a goal of reducing aggravated assaults involving firearms by 30 percent by 2021.



"We've got to try to figure out how best tailor this model for our unique problem here in Memphis," said District Attorney Amy Weirich, hopeful a GVI can be launched by year's end. But it will take resources and cooperation by community leaders and social service agencies. "It's very heavy law enforcement in the beginning and there has to be heavy law enforcement follow-through if the gang doesn't get the message," she said. "But in between you're almost passing that baton to the community and saying, 'OK, here, step up,' and 'You guys need to help us. These people have indicated they want to get off this track and we've got to be there to support them.'"

Reginald Johnson Jr. agrees any plan to curb violent crime must give youths an alternative to gangs. Lack of opportunity and family dysfunction often are precursors to gang activity (as many as a fourth of aggravated assaults here involve domestic violence), factors aggravated by Memphis' crushing poverty. The city's dearth of opportunity is perhaps best reflected in a 2015 report that found Memphis has the highest percentage of youth - ages 16 to 24 - who are neither in school nor working among the nation's largest 98 cities.

Yet as Johnson attests, gang appeal is much broader-he experienced neither poverty nor family conflict as a child. His father recently retired after working 29 years in a well-paying job at the Hershey Co. in South Memphis. His parents were always there, always supportive. Yet as his once-thriving neighborhood in north Frayser began to decline, Johnson found the pull of gang life alluring.

At 14, he got his first tat- "Player," etched in pale blue down the inside of his right forearm by a self-styled tattoo artist just down the street from his parents' three-bedroom home. He was shot at for the first time walking home from high school. "I didn't know what was going on. But when I was running, I just remember hearing, 'Pee-YUNG!' (the sound of bullet whistling) past me. After we got away we (were) laughing about it."

Truth be told, he enjoyed it: The camaraderie. The adventure. Hanging with the guys. Selling drugs.

"It was fun to me," confesses Johnson, who has convictions for aggravated assault and unlawful possession of a weapon but hasn't been in legal trouble since the death of his brother. "It takes a hold on you. You just can't snap out of it."

From his father's perspective, Reginald's descent into gang life mirrors the decline of organized youth activities in Memphis.

"There's nothing for them to do," said Reginald Johnson Sr.

It's a viewpoint shared by MPD's Maj. Darren Goods, operations commander of the Multi-Agency Gang Unit.

"There's literally nothing to do" for many kids, says Goods, a 32-year MPD veteran, who recalls a much different Memphis in his childhood: Vibrant summer youth programs and organized sports programs throughout the city. "You learned the value of respect. We weren't allowed to just hang out and do nothing."

In fact, many of the city's community centers have become dangerous spots (there have been as many as six shootings in recent years in and around the city's community centers including two deaths), a point not lost on the Johnsons.

"Let's be realistic," Reginald Johnson Jr. said. "That's like a place where they harbor all the gang members."

As Reginald Johnson Sr. tells it, his son Sam was walking to a party at the nearby North Frayser Community Center the night he was ambushed.

"It happened October the 31st, Halloween night. He came home, said, 'Dad, I'm fixing to go to the gym,' " the father recalls. "He left here and walked right up the street. And when he walked up the street, a few minutes later people came back to the door and said, 'Mr. Johnson, Sam laying in the street.' "

Even now, many community centers aren't safe, Reginald Johnson Jr. says.

"We could take you up there right now," he said of continued gang presence. "That's what you gonna see hanging out at the gym."

Strickland has increased police presence at the city's community centers since taking office last year, slowing violent outbursts there, and he's also expanding youth programming through public-private partnerships. Memphis Athletic Ministries, Knowledge Quest and Hattiloo Theater provide staff and programs at community centers gutted by budget cuts over the years and the city is courting help from the Boys & Girls Clubs and other nonprofits. Strickland also wants to expand a summer literacy program launched last year at seven community centers.

"If we can catch kids before 14,15, 16, when they're really unfortunately committing violent crimes, and they can read and they have hope for the future, to me that's the real solution to violent crime."



Daily Memphian

David Waters

David Waters is Distinguished Journalist in Residence and assistant director of the Institute for Public Service Reporting at the University of Memphis.

Memphis brainpower counters attacks of trauma, distress on adolescents

SPECIAL REPORT: Families get help in protecting kids from the factors that might put them at risk

By [David Waters](#)

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Kevin Broady tries to keep his twin one-year-old girls Serenity Broady and Kennedy Broady (right) entertained during a graduation ceremony for parents and kids in Le Bonheur's Nurse-Family Partnership at the hospital's community outreach center on Aug. 2, 2019. The program connects nurses with first-time pregnant mothers to guide them through early child development. (Jim Weber/Daily Memphian)

IN THIS SERIES

PART 2: [Memphis wired for advanced exploration of trauma on young brains](#)

PART 3: [Hearing is believing: Kids benefit from Memphis audiology research](#)

A clear and colorful sign is posted in every exam room at the pediatric clinic at Le Bonheur Children's Hospital.

The sign displays a large, diverse and happy group of men, women and children, and delivers this message:

THIS IS A NO HIT ZONE

No adult shall hit a child

No child shall hit an adult

"Before we put up those signs, we had some uncomfortable conversations," said Lisa Rogers, who manages the clinic's [Family Resilience Initiative](#) (FRI).

"Now we have better conversations. We talk about the medical implications of hitting a child, especially the developing brain of a child who may already be experiencing chronic stress or trauma."

A child's developing brain is more advanced than the most powerful supercomputer, and more vulnerable.

Research shows that prolonged stress and trauma, often experienced in economically distressed homes and neighborhoods, can impair the normal development of a child's brain and erode a child's immune system.

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"The chronic stress and trauma our children are experiencing on a daily basis is a public health epidemic. And the hallmark of public health is intervention and prevention."

Dr. Altha Stewart, psychiatrist

Children of chronic stress, trauma and so-called adverse childhood experiences (ACEs) often become more anxious, impulsive, aggressive and hyperactive.

They become more prone to violence, aggression, depression, substance addiction, suicide, illness and disease, not to mention academic failure.

The problem is especially acute in high-poverty urban areas such as Memphis.

"The chronic stress and trauma our children are experiencing on a daily basis is a public health epidemic," said Dr. Altha Stewart, a psychiatrist and founding director of the Center for Health In Justice Involved Youth at the University of Tennessee Health Science Center. "And the hallmark of public health is intervention and prevention."



Dr. Altha Stewart

Decades of brain research is fundamentally altering our understanding of the causes of serious physical and mental illnesses and their lifelong and communitywide consequences.

Local health care leaders call it a public health crisis. In response, they are using brain science to study, diagnose and treat poverty and other social determinants of health as medical conditions.

Pediatricians and nurses at LeBonheur and psychologists at UTHSC are screening children for poverty and trauma and prescribing psychological and social services to help them.

Scientists at the U of M and UTHSC are using neurofeedback to treat developmental trauma in adolescents who are in trouble with the law.

The Institute for Public Service Reporting is based at The University of Memphis and supported financially by U of M, private grants and donations made through the University Foundation. Its work is published by The Daily Memphian through a paid-use agreement. Follow the Institute on Facebook or Twitter @psr_memphis.

Audiologists at the U of M are using new methods to treat charter school children with hidden, brain-based auditory deficits that disrupt their learning and behavior.

They believe their work will have a profound impact on children and adolescents who struggle to learn, communicate, behave and cope.

They hope it will have a lasting impact on a community struggling with the high cost of poverty, violence, addiction, obesity, and mental and physical illness

They trust it will lead to fundamental changes in our education, social service, juvenile justice and health care systems.

"We're not fixing poverty here, but what we are doing can mitigate the impact of poverty, and especially its impact on children," said Dr. Jon McCullers, pediatrician-in-chief at Le Bonheur and chair of pediatrics at UTHSC.

"That will have a significant long-term impact on systems and structures and policies and lives."

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Dr. Jason Yaun checks out young Taelyn Hall during a Monday, July 22 checkup at Le Bonheur Children's Hospital. (Patrick Lantrip/Daily Memphian)

FAMILY RESILIENCE

The water-damaged ceiling in Sylvia Perry's tiny North Memphis apartment was falling in and bringing rats with it. So she told her pediatrician about it.

"I tried getting help from my rent company. No answer from them," Perry said.

"LeBonheur helped me and my kids find a new place to live in. They helped me out a lot in my hardest times."

Perry and her 4-year-old son, Antywon, are among hundreds of participants in LeBonheur's Family Resilience Initiative (FRI), which opened in the clinic in May 2018.

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Michelle Corbet: *Traumatic childhood events in Shelby County double national average*

When parents bring their children to the clinic for checkups, doctors and nurses do more than take their temperature.

They don't just assess the weight, length and reflexes of a child's body, and the size and shape of a child's head. They also check the physical, social and emotional support system of the child's brain.

They don't just screen children for sickle-cell disease, hypothyroidism or other inherited disorders. They also screen for chronic stress, trauma and poverty.

"Because poverty so strongly influences a child's health and development, pediatricians are asking about poverty-related stress, so we can connect families to resources in their communities," said Dr. Jason Yaun, FRI's director and lead medical investigator.

Sam Stockard: *School officials to consider 'adverse childhood experiences' before discipline*

The American Academy of Pediatrics now recommends routine screening for poverty and other "social determinants of health," as well as adverse childhood experiences.

It also encourages pediatricians to participate in programs that help children and their families reduce chronic stress and trauma in their lives and develop resistance to it.

Nearly all of the more than 250 families enrolled in FRI qualify for TennCare. Seven in 10 report a household income of less than \$15,000 a year.

FRI's outreach coordinators connect families directly to service providers and continue to check in on their progress and needs.

"If a mother is worried about her ceiling falling in, or how she's

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going to feed her kids, or hearing gunshots nearby, she's not going to have the wherewithal she needs to attend to her child's needs. When you take care of a mother, you take care of a baby."

Sandra Madubonwu, LeBonheur FRI co-director

FRI families can receive referrals to UT psychologists.

They can participate in LeBonheur's [Triple P Positive Parenting Program](#).

They also can get help from [Memphis CHiLD](#) legal clinic — a collaboration with the U of M's law school. CHiLD stands for Children's Health Legal Directive.

If lack of transportation is keeping them from work, school meetings or medical appointments, FRI helps with bus passes or vouchers for Uber or Lyft.

If families indicate they need help with food, FRI connects them to a nearby food pantry or Neighborhood Christian Centers. If they indicate they lack adequate or affordable housing, FRI puts them in touch with MIFA or another local housing agency.

"If a mother is worried about her ceiling falling in, or how she's going to feed her kids, or hearing gunshots nearby, she's not going to have the wherewithal she needs to attend to her child's needs," said Sandra Madubonwu, FRI's co-director at LeBonheur.

"When you take care of a mother, you take care of a baby."

TREATING TRAUMA

Another mother brought her 4-year-old son to the clinic last October.

The boy had a history of asthma and eczema, two of the many chronic illnesses the Centers for Disease Control have linked to toxic stress in children.

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He also had just been suspended from preschool for flipping chairs and other aggressive behavior.

"We discovered that he had witnessed severe verbal and physical abuse of his mother by his father," Yaun explained. "The family had recently moved to Memphis for their own safety to get away from the previous situation."

FRI's outreach coordinators made referrals to a UT psychologist for the child, counseling services for the mother, and Neighborhood Christian Centers for more support for the family.

The child's behavior has improved, and "the mother is much more aware of the related health issues and has career goals and has developed her own resourcefulness," but the family is still facing difficulties, Yaun said.

"We haven't been able to perhaps make as much of an impact as we would have liked," Yaun said, "but we have actually been able to truly connect them with services and have true follow-up rather than just giving them a bunch of pieces of paper with phone numbers on them, knowing that they probably would not be able to access any of them. Hopefully we can prevent any future adverse experiences."

Families can be powerful buffers against toxic stress in children.

Research shows that consistent, caring adults who are positive, nurturing and responsive can protect children from the harmful effects and help them become more resilient.



Dr. Jason Yaun works with at-risk children in the Family Resilience Initiative at LeBonheur Children's Hospital.
(Patrick Lantrip/Daily Memphian)

"We don't look at this as a poverty issue. This is a child development issue. If the diagnosis is chronic stress and trauma,

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*we need to find effective and evidence-based treatments –
interventions and preventions that work.”*

Dr. Jason Yaun, LeBonheur FRI director and lead medical investigator

That's why families who participate in FRI are asked such questions as:

"How often does anyone, including family, physically hurt you? Insult or talk down to you? Scream or curse at you? Threaten you with harm?"

The questions make families more aware of how such behavior can impair the normal growth and development of their child's brain.

The answers help them find support. But LeBonheur isn't trying to become just another social service provider.

"We don't look at this as a poverty issue," Yaun said. "This is a child development issue. If the diagnosis is chronic stress and trauma, we need to find effective and evidence-based treatments — interventions and preventions that work."



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Christian Craine and his daughter Jendaya Craine (left) play while Amelia James gets some affection from her mother Yasmin James during a graduation ceremony at the LeBonheur Children's Hospital community outreach center on Aug. 2, 2019. (Jim Weber/Daily Memphian)

SURVIVE AND THRIVE

The Family Resilience Initiative isn't LeBonheur's first effort to help families and their children build resilience to chronic stress and trauma.

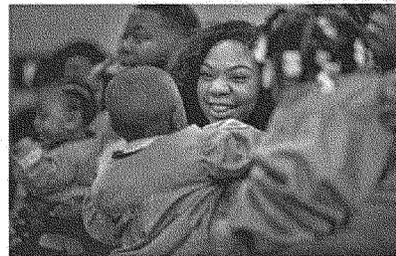
Since 2010, the [Nurse-Family Partnership](#) has paired hundreds of first-time, low-income mothers with nurses who regularly visit their homes.

They guide the mothers through pregnancy until their child's second birthday, helping them understand the benefits of attachment and nurturing, healthy diets and breastfeeding, language development and mental health.

Last month, NFP held its 11th graduation ceremony. The Class of 2019 includes 38 mothers and 39 2-year-olds. Several mothers spoke.

"Being a first-time mom, I didn't really understand," said Jasmine Bailey, mother of Isaiah. "Jill, our nurse, showed me how important is it not just to have a kid but to raise a kid. I am so grateful."

NFP children, and especially boys, are healthier and have better academic, social and emotional skills, according to a [2017 study](#) of the Memphis program by James J. Heckman, a Nobel laureate economist at the University of Chicago.



Jasmine Bailey plays with her son Isaiah Davis, 2, during a graduation ceremony for parents and kids in the Nurse-Family Partnership, which links first-time mothers to nurses who guide them through early child development. (Jim Weber/Daily Memphian)

The study also found that NFP mothers have better parenting skills, mental and emotional health, and brighter futures. Isaiah's mother stayed in college after he was born and she's planning to go to law school.

"These mothers already have resilience in them," said Madubuonwu, who supervised the NFP from 2009-2012. "Some do not have enough food or adequate housing or a job with a living wage, but they are still surviving. Our program empowers these young mothers, arms them with knowledge to help them build a buffering relationship with their child, not just to survive but to thrive."

Brain science is informing several local programs to help families and their children build resilience to chronic stress and trauma.

"If you can't take people out of trauma, what can you do?" said Linda Oxford, director of clinical services for the faith-based [Agape Child & Family Services](#).

"Resilience-building is the only thing that offsets the reality of the toxic stress in their lives."

Linda Oxford, Agape director of clinical services

"One thing we can do is help them become more resilient and give them a better chance of surmounting the daily adversities they face. Resilience-building is the only thing that offsets the reality of the toxic stress in their lives."

Agape is partnering with the Tennessee Department of Human Services to provide trauma-informed cognitive behavioral therapy and other counseling services to about 450 families in apartment complexes in Frayser, Hickory Hill and Whitehaven.

Tennessee's Department of Children's Services, meanwhile, is funding more than two dozen trauma-informed, resilience-building programs across the state through its Building Strong Brains initiative.

That includes programs with Shelby County Schools, Porter Leath and UTHSC, as well as United Way of the Mid-South's Driving the Dream initiative, and Rotary's Family Youth Initiative.

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"The work will continue," said Richard Kennedy, executive director of the Tennessee Commission on Children and Youth. "The General Assembly has allocated \$2.45 million to fund ACE's Innovation Grants. That money is recurring."



Young Allison Murphy laughs with Dr. Jason Yaun while her mother waits in the background during a Monday, July 22 checkup at Le Bonhuer Children's Hospital. (Patrick Lantrip/Daily Memphian)

COMMUNITY RESILIENCE

Most of the FRI families have agreed to participate in a [long-range clinical trial](#).

Yaun and other researchers are collecting blood and saliva samples from parents and their kids. As the children grow, they'll also conduct stress, behavior and medical assessments and school test scores.

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The goal is to measure the impact of FRI's efforts to address unmet social needs and sources of toxic stress.

They hope the intervention will lead to fewer mental, physical, emotional and behavioral problems and help kids reach important developmental and educational milestones.

FRI's clinical trial officially began last month. It's scheduled to be completed in 2024. It will add to a growing, trauma-informed biorepository in Memphis.

Since 2006 researchers here have been studying how genetic, social, emotional and environmental factors influence a child's development.

That's when UT and the Urban Child Institute launched the CANDLE study — the Conditions Affecting Neurocognitive Development and Learning in Early Childhood.

The massive study began with 1,500 pregnant women.

Researchers planned to test and assess the physical and mental health and well-being of each mother and child for three years.

"We've got a million points of data that are providing invaluable information on childhood asthma, obesity, toxic stress and trauma, and resilience through early adulthood. Science can help us identify these issues, but it will be up to the Memphis community to solve them."

Dr. Fran Tyavsky, UT principal investigator

Thirteen years later, that study goes on. Researchers now hope to follow the kids until they reach age 21. They are examining the impact of everything from mold and lead and Vitamin D to chronic stress and trauma.

"We've got a million points of data that are providing invaluable information on childhood asthma, obesity, toxic stress and trauma, and resilience through early adulthood," said Dr. Fran Tylavsky, UT principal investigator. "Science can help us identify these issues, but it will be up to the Memphis community to solve them."

Last April, hundreds of local health, education and criminal justice professionals gathered at the University of Memphis for the Loewenberg College of Nursing ACEs Symposium: Awareness to Action.

They began talking about how to build a community of resilience. Families are the first line of defense against chronic stress and trauma, but they can't be the last. Research shows that adverse community environments are just as damaging to young brains and lives as adverse childhood experiences.

"We have to accept part of our work is not just healing individuals, but working at the systems level, side by side," said Dr. Wendy Ellis, project director of [the Building Community Resilience Collaborative](#) at George Washington University in Washington.

"We have to bring our systems to the table and figure out what their role is in continuing these vicious cycles. Inequity itself is the underlying stressor that leads to so much adversity and trauma in our communities. Without equity, you can't hope for resilience."

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Dressed in a child-sized graduation gown, Eziah Greer, 2, looks around the community outreach center at LeBonheur Children's Hospital during a ceremony for parents and kids in the Nurse-Family Partnership. (Jim Weber/Daily Memphian)

SCREENING FOR TRAUMA

For local health care leaders, efforts to build a more trauma-resilient community must begin with the science.

That means seeing chronic stress and trauma as, first and foremost, a public health issue.

"That's why we put the word 'Health' in our title," said Stewart, founding director of UTHSC's new Center for Health In Justice Involved Youth.

And that's why the center — and not the Juvenile Court — will run the new Shelby County Youth Advocacy Center, which will attempt to use trauma-informed services "to break the cycle of delinquency."

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Among its goals: "To identify and provide services designed to help resolve underlying issues that may lead to delinquency," such as mental health problems, trauma, addiction or family dysfunction.

The center is opening this month on the UTHSC campus as a \$500,000 pilot project.

"We've got to be more creative about how we respond to chronic stress and trauma, and we've got to let the science inform those responses."

Dr. Altha Stewart, UTHSC's Center for Health In Justice Involved Youth founding director.

"The center will be restraint-free, voluntary, family-friendly and trauma-informed," Stewart said. "It will take funding. It also will take political will that we know what to do to help these children and we believe it is something we need to do."

The need is clear, Stewart said.

In late July, she spoke at the National Juvenile and Family Court Judges conference in Florida. She presented preliminary findings of the center's recent review of the case files of 359 youths who were in juvenile detention in 2017.

Seven in 10 had experienced at least one (and 40 percent four or more) of the following: abuse, neglect, medical trauma, family violence, community violence, school violence, natural or manmade disasters and witness to criminal activity.

More than half of them had experienced some disruptions in caregiving situations and/or had parents involved in criminal activity. A third of the girls and 15 percent of the boys were victims of sexual abuse.

Their symptoms included traumatic grief, hyperarousal, numbing, disassociation, and physiological dysregulation.

"Most kids involved in the justice system are not criminals," Stewart said, who just completed a term as president of the American Psychiatric Association.

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"They are part of a public health epidemic. In fact, given where we are and the level of poverty here, we should assume that all kids in this community are living with unhealthy levels of trauma."

Stewart believes local schools should screen all children under age 10 for chronic stress and trauma, just like they screen them for vision and hearing problems.

She's convinced the results would show the need for more mental health counselors in the schools, and the need to revise behavior and truancy policies.

She believes that suspensions and expulsions, corporal punishment and zero-tolerance behavior policies don't help and likely do more damage to children of trauma.

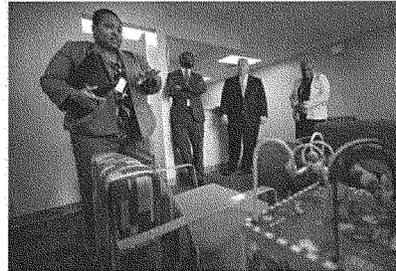
At least half of the youths in the juvenile detention study had been suspended from school and a quarter had been expelled.

"More kids have been exposed to trauma than schools can handle right now," she said.

"We've got to be more creative about how we respond to chronic stress and trauma, and we've got to let the science inform those responses."

David Waters' reporting on issues affecting Memphis children is funded, in part, by a grant from the Urban Child Institute. UCI has no prior knowledge of topics Waters chooses nor is it involved in any aspect of the editorial process.

TOPICS



Dr. Altha Stewart (far right) and Kena Vassar (far left) guide Shelby County Mayor Lee Harris (center) and Commissioner Mark Billingsley through a tour of the new Youth Advocacy Center on August 13, 2019. The center is a pilot program that will try to keep young people out of the juvenile justice system through mental health evaluation and intervention. (Jim Weber/Daily Memphian)


 THE COALITION TO
STOP GUN VIOLENCE

Wednesday, September 25, 2019

The Honorable Jerrold Nadler
Chairman
U.S. House Committee on the Judiciary
Washington, D.C. 20510

The Honorable Doug Collins
Ranking Member
U.S. House Committee on the Judiciary
Washington, D.C. 20510

Dear Chairman Nadler and Ranking Member Collins:

On behalf of the Coalition to Stop Gun Violence, I write in support of the H.R. 1296, the Assault Weapons Ban of 2019.

Assault weapons, which include military-style semi-automatic firearms, are designed to maximize human lethality. Combined with high-capacity magazines these firearms have become mass shooters' weapons of choice, allowing killers to fire off dozens of rounds in a matter of seconds, without ever having to stop and reload.

While Americans have become accustomed to tragedies involving assault weapons -- in Gilroy, Las Vegas, Orlando, Parkland, and Newtown, to name a few -- Congress's unwillingness to take action has not always been the norm. In the early 1990s, a series of mass shootings committed by shooters wielding assault weapons galvanized policymakers to take action. The 1994 Federal Assault Weapons Ban prohibited the manufacture and sale of assault weapons, including high capacity magazines for civilian use, and was supported by Democrats and Republicans alike, including former Presidents Gerald Ford, Jimmy Carter, Ronald Regan, and sitting President Bill Clinton who signed the ban into law.

Despite its overwhelming support among the public, the Federal Assault Weapons Ban included a sunset provision, which allowed the bill to expire after 10 years. Unfortunately, Congress failed to renew this ban, letting it expire fifteen years ago, on September 13, 2004.

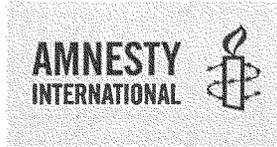
Now, Congress has the opportunity again to prevent the horrific acts of violence enabled by assault weapons, by banning the import, sale, manufacture, transfer, or possession of semiautomatic assault weapons and large capacity ammunition feeding devices. The assault weapons that are currently owned and in the civilian marketplace should be regulated as Class III Weapons under the National Firearms Act.

While banning assault weapons and high capacity magazines will not stop all acts of gun violence, there is enormous potential to reduce the number of fatalities in mass shootings. We strongly urge you to pass the Assault Weapons Ban of 2019.

Sincerely,



Josh Horwitz
Executive Director
Coalition to Stop Gun Violence



Statement for the Record from Amnesty International USA
House Committee on the Judiciary
Hearing Protecting America from Assault Weapons
September 25, 2019

Chairman Jerold Nadler	Ranking Member Doug Collins
Committee on the Judiciary	Committee on the Judiciary
US House of Representatives	US House of Representatives
2138 Rayburn House Office Building	2138 Rayburn House Office Building
Washington, D.C. 20515	Washington, D.C. 20515

Dear Chairman Nadler, Ranking Member Collins and Members of the Committee:

On behalf of our one million members and supporters, Amnesty International USA ("AIUSA") hereby submits this statement for the record in connection with the above-referenced hearing before the Committee on the Judiciary.

Today's hearing focuses on a critical aspect of the gun violence crisis: the role and impact of assault weapons. Assault weapons and high capacity magazines should be banned, and this Committee should pass the Assault Weapons Ban of 2019 (H. R. 1296) in order to keeping weapons of war off of our streets and out of our communities.

GUN VIOLENCE IS A HUMAN RIGHTS CRISIS

The sheer volume of people killed or injured each year in the U.S. by gun violence is staggering. In 2017 firearms caused an average of 108 deaths every day, and over

133,000 more individuals suffered non-fatal gun violence injuries. Per capita, this is significantly higher than in other industrialized countries. With only 5 percent of the world population, the U.S. has almost half of the world's civilian-owned guns. Given the large number of guns in circulation and the increasing rates of gun violence, the U.S. government has a duty to adequately regulate access to firearms to ensure that they do not end up in the hands of those likely to misuse them. Despite the dangers posed by assault weapons, there is no federal law regulating them.

The disproportionate impact of gun violence on communities of color, women, and children is particularly troubling. African American men and boys aged 15-34 are 10 times more likely to be the victims of gun homicides than white males in the same age group. Women are 16 times and children are 13 times more likely to be killed by a gun than their counterparts in other developed nations.

Shooters using semi-automatic assault rifles with large-capacity magazines can kill many people in a matter of minutes – sometimes seconds. The horrific mass shootings in Gilroy, El Paso, Dayton and Odessa highlight the cost of failing to ban weapons of war and allowing them to be accessible to civilians. The shooter in the Dayton mass shooting had a firearm equipped with a 100-round drum magazine that enabled him to fire 41 rounds of ammunition in just 30 seconds – killing nine__ persons.

Assault rifles augmented by large capacity magazines were used in the majority of the nation's most notorious mass shootings: in 2012 at Sandy Hook where 20 children and six adults were killed at an elementary school, in 2016 in Orlando where 49 people were killed at a nightclub, in 2017 in Las Vegas where 58 people were killed at an outdoor concert, in 2017 in Sutherland Springs where 26 were killed in a church, and in 2018 in Parkland where 13 students and four adults were killed in a high school.

In our 2018 report *In the Line of Fire* AIUSA found that in a review of 56 mass shootings over a decade, where assault weapons or large-capacity ammunition magazines were used, more than 13 people were shot, compared to five for

other incidents, and on average around eight people died compared to five fatalities for other incidents.

A recent Everytown for Gun Safety study analyzing media reports and official records of mass shootings between 2009 and 2017 found that of the incidents with known magazine capacity data, 58 percent involved firearms with high-capacity magazines. These shootings resulted in twice as many fatalities and 14 times as many injuries per incident on average compared to those that did not include the use of high-capacity magazines.

Assault rifles fire rounds that typically achieve a velocity of over 3,000 feet per second, compared to handguns that fire rounds closer to 1,000 feet per second. High capacity magazines equip shooters with large volumes of steady ammunition, exponentially increase the likelihood of death in a mass shooting. Medical providers who treated victims from the Parkland shootings stated that that unlike wounds caused by bullets from handguns, high velocity bullets from assault weapons cause damage that extends beyond the bullets' path, thereby increasing lethality.

Concerns over the accessibility of semi-automatic assault rifles and large-capacity magazines have also been voiced by law enforcement officers. The International Association of Chiefs of Police has recommended that the U.S. pass laws banning military-style assault weapons so that officers are not faced with shooters armed with military-grade weapons.

Weapons of war should never be in the hands of civilians.

Congress should swiftly pass the Assault Weapons Ban of 2019 (H.R. 2019) to ban the sale, transfer and possession of semi-automatic assault rifles, semi-automatic shotguns, semi-automatic submachine guns and large capacity magazines.

For more information, please contact Adotei Akwei at 202-509-8148 or aakwei@aiusa.org.

Sincerely,



Joanne Lin
National Director
Advocacy and Government Affairs
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Adotei Akwei
Deputy Director
Advocacy and